

HILLARY RODHAM CLINTON
NEW YORK
SENATOR

RUSSELL SENATE OFFICE BUILDING
SUITE 476
WASHINGTON, DC 20510-3204
202-224-4451

United States Senate

WASHINGTON, DC 20510-3204

OFFICE OF THE
SECRETARY OF DEFENSE

2003 JUL -8 PM 3:54

June 20, 2003

The Honorable Powell A. Moore
Assistant Secretary of Defense
Legislative Affairs
Department of Defense
1300 Defense Pentagon
Washington, D.C. 20301

Dear The Honorable Moore:

Enclosed is a letter from (b)(6) who has requested my assistance in asking for a review of his case by the Department of Defense Inspector General.

I would appreciate your reviewing the information that has been presented and providing me with your comments. Please address your reply to my state office:

United States Senator Hillary Rodham Clinton
780 Third Avenue, Suite 2601
New York, New York 10017-2024
Attention: Eric Bederman

Your cooperation and assistance are greatly appreciated. I look forward to hearing from you soon.

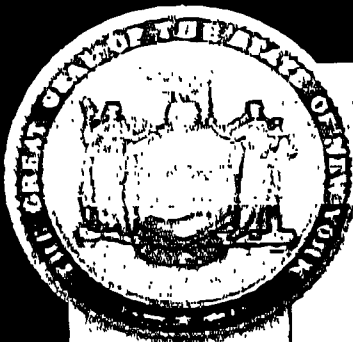
Sincerely yours,



Hillary Rodham Clinton

HRC/eb-amw

U10682 / 03

*Senator Hillary Rodham Clinton***Authorization Form**

Due to the enactment of the "Right to Privacy Act," it is necessary for you to print out, complete and sign this form authorizing me and/or a member of my staff to obtain the information needed to respond to your request for assistance.

**ABOUT
NEW YORK**

**ABOUT
SENATOR CLINTON**

**CONSTITUENT
SERVICES**

**CONTACTING
MY OFFICES**

**COMMITTEES &
LEGISLATION**

**NEWS &
SPEECHES**

USEFUL LINKS

Date: 16 JUN 2003

Name: (b)(6)

Address:

City: (b)(6)

State:

Postal Code: 89406[Privacy Policy](#)

Senator Hillary Rodham Clinton has my permission to make inquiries into my personal records and/or files as necessary to assist me in the matter I have presented to her office.

Signature: (b)(6)

Date of Birth(mm/dd/year): (b)(6)

Social Security Number (SSN): (b)(6)

Home Telephone Number: (b)(6)

Do you currently have a case pending before a local, state, or federal court pertaining to this matter?

YES _____ or NO ☒ (mark one)

16 June 2003

To: The Honorable Hillary Rodham Clinton
United States Senate
476 Russell Senate Office Building
Washington, DC 20510

From: (b)(6)

SUBJ: COMPLAINT OF WRONGS COMMITTED BY COMMANDING OFFICER

Dear Senator Clinton,

I received your letter dated 20 May 2003. I am not satisfied that a proper inquiry was conducted into my complaint against (b)(6) (b)(6) NAS Fallon by Commander Navy Region Southwest under Admiral Betancourt. I have filed a Fraud, Waste and Abuse complaint with the Department of Defense Inspector Generals (DODIG) Office because the abuse as outlined below continues. I would also like to bring to your attention that your initial correspondence with Department of the Navy officials was leaked to NAS Fallon upon your submission of my case. Since I received your letter I have not been contacted by anyone of authority, therefore I assume my initial complaint has become a dead issue.

A recent development in my case which is not listed below is I have recently returned from receiving an alcohol abuse/dependency screening in San Diego California. At the conclusion of my screening process I was diagnosed as not an alcohol abuser or alcohol dependant as my command tried to label me as,

I respectfully request further correspondence from your office regarding my issues/case be directed to the Department of Defense Inspector Generals office due to the reasons outlined below in my complaint to them.

15 June 2003

Dear Sir,

I am (b)(6) I am an active duty United States Naval E-7, assigned to Naval Air Station Fallon, Nevada housing office. I write to you out of concern for Fraud, Waste, and Abuse that is taking place within Naval Air Station Fallon and Navy Region Southwest under Admiral Betancourt. I have used proper channels within the Department of the Navy however, the abuse of authority and mishandling of reported fraud, waste, abuse, and sexual harassment continues and is not properly investigated.

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6) CONTINUED

The following information is a brief synopsis of events which have lead to me filing this complaint to the Department Of Defense Inspector Generals Office.

On 15 November 2002, I was relieved of my duties as NAS Fallon (b)(6) (b)(6) and reassigned to the Housing office, due to an uninvestigated and unsubstantiated complaint of verbal abuse made against me by one of my patrolman.

At approximately 0900, 13 December 2002, Under the Uniformed Code of Military Justice (UCMJ), I submitted an Article 138, complaint of wrongs committed by (b)(6) to the NAS Fallon Legal Office. Included with the complaint as enclosures were witness statements from senior military and civilians who were present at the time of the alleged incident, and stated I had not abused the patrolman in any way.

At approximately 1400, 13 December 2002, I was directed to meet with (b)(6) NAS Fallon (b)(6). During this meeting (b)(6) pretended not to know about the Article 138 complaint and retaliated by presenting me with an Adverse Fitness Report that contained untrue information, false statements, was falsely dated the week prior and signed by (b)(6) to present the appearance that the Adverse Fitness Report was not in retaliation for the Article 138 Complaint against him. I declined to read the Adverse Fitness report until a proper inquiry into my complaint against (b)(6) was reviewed. (b)(6) stated he would conduct a review of my complaint against him and ended our meeting. As (b)(6) escorted me out of his office he asked (b)(6) NAS Fallon Security Officer and (b)(6), NAS Fallon (b)(6) into his office. Later that evening I contact (b)(6) at her home. I ask (b)(6) what the (b)(6) had said to them about my complaint. (b)(6) stated; (b)(6) handed us copies of your complaint against him, and told us that we needed to substantiate your relief of duty."

On 6 January 2003, I received a copy of (b)(6) endorsement to my complaint against him. I was shocked that (b)(6) endorsement consisted of nothing more then lies, rumors, and overly-exaggerated stories. Most disturbing was that (b)(6) blatantly lied in writing to Admiral Betancourt by falsely stating he had personally counseled me on two separate occasions about my leadership and personal behavior in an attempt to discredit me and my complaint against him.

My only desire in submitting my Article 138 complaint was to get (b)(6) to perform a proper inquiry into the events which I was relieved for. Instead, he retaliated by ruining my career and advancement opportunities with an Adverse Fitness Report. Then he completely ignored the facts and witnesses, and resorted to conjuring up lies, using unlawful influence, overly exaggerated and false stories to include a statement written by one person and signed by another to support their initial decision instead of admitting they had made an error.

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6) CONTINUED

In my rebuttal, I informed Admiral Betancourt that (b)(6) had not conducted a fair and impartial investigation. Additionally I informed Admiral Betancourt that (b)(6) had lied and made false statements against me. I then requested Admiral Betancourt to refer my complaint to the U.S. Navy Inspector General's office so a proper investigation into offenses committed against me by (b)(6) could be properly investigated.

During the months that followed I routinely contacted Commander Navy Region Southwest (Admiral Betancourt's) legal department for a status of my Article 138 complaint. I was repeatedly told that someone was working the complaint however they would not provide me with a name of the person working the case or provide a status update. Because I knew (b)(6) had personal friends on Admiral Betancourt's staff, and that (b)(6) had many opportunities to meet with Admiral Betancourt, I had no faith that I would receive a fair and impartial review into my Article 138 complaint.

During this time Senior Enlisted personnel were aware that I had filed a complaint against (b)(6). (b)(6) informed me of improprieties and illegal activities committed by (b)(6). One such incident involved (b)(6) using enlisted Construction men (Sea Bees) to install a brass dance pole from the top of the bar to roof of the Officers Club, so women could climb up on the bar and dance for his Officers' pleasure as if it was a strip club. I was also informed that (b)(6) diverts government funds to pay for a private swimming pool. On two separate occasions female patrolmen came to me and reported that they had been sexually harassed while at work. In both cases I told them to return to work and report the incident to (b)(6). (b)(6) the (b)(6). One female patrolman said she did report it to (b)(6) however, she was told; "that's the way things have always been, so just get used to it." I then instructed her to report to the NAS Fallon Equal Opportunity specialist to report the incidents. The other female patrolman told me that it was the Chain of Command who was sexually harassing her. When I asked her what she meant she stated she was being harassed by the chain of command because they said the security officer had a video tape of her having sex with senior Petty Officers in the command. She continued to say that she told them numerous times that it's not her in the video, however they continue to accuse her. After she followed my directions to report the harassment, the command began to ignore her and treated her like an outcast, creating a hostile work environment for her.

Shortly afterwards I received a telephone call from a Senior Enlisted person who desires to remain anonymous for fear of retaliation by (b)(6) and who was aware of the incident between myself and the patrolmen. This individual informed me that the patrolman, who had claimed I abused him, had been sent for a psychiatric evaluation. This person also informed me the Patrolman had been utilizing mind altering prescribed medications for quite sometime and never should have ever been allowed to carry a weapon or even be in the security field, the patrolman has currently been reassigned to office duties. When I asked if (b)(6) was aware of this information they replied; "Yes he is, and he has ordered everyone with knowledge of this information to

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6) CONTINUED

remain silent and not say anything to anyone." When I asked them why would he do that? They replied; "because he's afraid you will find out about it and it would discredit his case against you."

I then replied; "so instead of (b)(6) saying maybe we made a mistake and reevaluate the fact that we ruined a Chiefs career, he would rather cover it up?" The individual replied; "yes, it appears that way."

With the annual selection board for advancement to Senior Chief (E-8) set to convene at the end of March 2003, I was forced to write a letter to the Honorable Senator Hillary R. Clinton D-NY and inform Senator Clinton of my situation. I informed Senator Clinton of the above improprieties and illegal activities of (b)(6) who is obviously an individual without integrity and feels he is above the rules we are sworn to follow.

Since I wrote the Honorable Senator Clinton, Fraud, Waste and Abuse continues in this Command. The following incidents have recently been brought to my attention and is currently unreported until now.

The (b)(6) (b)(6) one evening had become highly intoxicated at the Officers Club. In his drunken state he became extremely verbally abusive to junior officers and guests to the point a Warrant Officer had to intervene to prevent these Junior Officers from ruining their careers by assaulting (b)(6). In the end people were extremely offended and apologies had to be made. (b)(6) is the same individual who initially relieved me of my duties for saying the word "Fuck" when I was disrespected by a patrolman. (b)(6) has not relieved (b)(6) of his duties as (b)(6) as he had me relieved as Chief of Police.

Another incident involving (b)(6) happened in Colorado. I am told while riding a snow mobile intoxicated, (b)(6) left the marked snowmobile trail for some off trail joy riding. (b)(6) eventually crashed into a tree, breaking numerous ribs and his shoulder blade, requiring treatment in a hospital one Saturday afternoon.

The following Monday afternoon (b)(6) ordered a Government airplane at taxpayer expense to fly to Colorado, pick up (b)(6) and return him to NAS Fallon, instead of (b)(6) returning on a commercial flight like anyone else would have had to do.

Other examples of this commands abuse of authority is when (b)(6) is driving to base every morning. While driving on the County road posted speed limit of 45 MPH, (b)(6) becomes upset when he is passed by another vehicle exceeding 45 MPH. (b)(6) then calls the main gate sentry on his cell phone and orders them to stop the car and take their time searching the vehicle so that the individual will be late for work. If (b)(6) is passed on his way home he will write down the license plate number then contact the (b)(6) or (b)(6) the following morning and have them run the plate numbers in the computer and report back to him with the offenders Name, Rank, and Command information. Additionally if the driver of the vehicle is a military member,

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6) CONTINUED

(b)(6) will have his on base driving privileges revoked. All this is done with (b)(6)'s knowledge because (b)(6) is the only one who can revoke the individuals driving privileges. (b)(6) has no authority to uphold civilian traffic laws off base on military personnel yet alone civilian employees, however this is no concern of his and (b)(6) allows it to happen.

Another incident of (b)(6) abuse of authority and dereliction of duty is the rebuttal to my Adverse Performance Report that I submitted to NAS Fallon Legal Office on 21 January 2003. Under U.S. Navy regulations Article 1122, (adverse matters in Officer and Enlisted Fitness Report) states: If adverse matter appears in a fitness report of an Officer or Enlisted member E-5 and above, of the Navy and Marine Corps, or in related correspondence, the report or correspondence may not be placed in the official record unless the member reported on was first afforded an opportunity to submit a written statement regarding the matter.

Approximately a month after submitting my rebuttal/statement to the Adverse Fitness Report I accessed my military record on-line. The Adverse Fitness Report had been entered in my official record, but my rebuttal had not. I then contacted the NAS Fallon Administration Office Leading Chief Petty Officer for the status of my rebuttal and a copy of (b)(6) response and endorsement. (b)(6) informed me she had not recently seen the rebuttal, but she would follow up on its status for me. (b)(6) later contacted me and informed me that (b)(6) told her that he refused to endorse my rebuttal, and had already sent it out. I then contacted the Bureau of Naval Personnel (BUPERS) to inquire into the status of my rebuttal and why it was not entered into my official record. I spoke with (b)(6) (b)(6) USN(Retired) who informed me that his office received my Adverse Performance Report but had not received my rebuttal. (b)(6) also informed me that the (b)(6) cannot refuse to endorse my rebuttal and was in fact, required to do so. (b)(6) continued to say his office would have documented receiving my rebuttal then returned it, or sent a message to NAS Fallon requesting the (b)(6) endorsement. On 12 June 2003, I once again contacted (b)(6) and asked if he had received my rebuttal. (b)(6) searched the computer database and replied that they have never received it.

There is no doubt that (b)(6) destroyed my rebuttal to his Adverse Performance Report against me. My rebuttal cited how the Adverse Fitness Report was unlawful and improper and statements contained in it were not true.

(b)(6) would not have been able to endorse my rebuttal, because it was improper and unlawful, therefore (b)(6) destroyed it.

Any correspondence sent by the commanding officer must be serialized and logged for tracking purposes. However there is no serial number for my rebuttal because it was never sent. Additionally, (b)(6)

(b)(6)'s administrative office would have mailed it out, not (b)(6) himself.

I recently received a reply from Admiral Betancourt regarding my Article 138 complaint. Admiral Betancourt claimed he found my

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6) CONTINUED

complaint to be without merit and therefore would not provide relief as I had requested. Admiral Betancourt also stated (b)(6) personally assured Admiral Betancourt that he had counseled (b)(6) as he said he did. Sadly I never had the opportunity to "PERSONALLY ASSURE" Admiral Betancourt that (b)(6) was a liar. In fact neither Admiral Betancourt nor his staff had ever made an attempt to contact me, or witnesses to the incident resulting in my relief. Instead they concentrated on finding loopholes and gray areas in instructions, so that they could side in favor of (b)(6) without looking at the facts.

Most disturbing of Admiral Betancourt's actions and decisions was in his reply to the Honorable Senator Clinton. They claimed I had not followed proper channels in reporting the Fraud, Waste, Abuse, and Sexual Harassment, therefore my allegations were sent to (b)(6) to investigate and then reply to Senator Clinton. With the exception of the "Good Ole Boys Network" which is obviously at play here, how can Admiral Betancourt possibly send my allegations of Fraud, Waste and Abuse committed by (b)(6) to (b)(6) for him to investigate? This is shocking! I would never assign a patrolman to investigate a crime he was suspected of committing, and if I had, I would be derelict in the performance of my duties. I had additionally requested Admiral Betancourt refer my Article 138 complaint to the U.S. Navy Inspector General's office so that crimes committed against me by (b)(6) (b)(6) could be properly investigated and action taken. However, Admiral Betancourt denied my request to involve the U.S. Navy I.G. for investigative purposes.

(b)(6) from Admiral Betancourt's legal office contacted the (b)(6) of Navy Legal Services Office NAS Lemoore and accused my lawyer of being incompetent, because he blew this whole matter out of proportion. Since when is the lawyer from one side allowed to contact the (b)(6) and try to influence a lawyer representing a client?

On 11 June 2003, (b)(6) approached me before a meeting. (b)(6) said; "I heard you submitted a Congressional against the command." I replied; "Yes I did, how did you know?" Master Chief McAllister said she had a friend in D.C. that works in the Navy office where all Congressionals are submitted."

(b)(6) continued to say; "So my friend contacted me because this was the second congressional they have recently received for NAS Fallon." I then just nodded my head and walked away. Obviously not even established Navy channels recognize the privacy of correspondence between Senators and the Department of the Navy. I have no idea what information was leaked to NAS Fallon, but I'm sure Senator Clinton felt she was acting within the strictest of confidence when my case was referred to the Navy.

I am tired of being treated like a second class citizen because I am not one of the "Good Ole Boys" that run this command or because I don't have strong ties with Navy Region Southwest. I have tried to handle my situation utilizing proper channels however those channels were designed by individuals to protect themselves. I have written over 100

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6) CONTINUED

pages to different people and offices in an attempt to receive justice during a 7 month period.

This is my last attempt at trying to bring the injustices I have received to the attention of the proper people.

I strongly feel the next letter I write about this ordeal will be to the producers of 60 minutes, or another investigative news show. This entire ordeal has been terribly trying on my family and me. Not to mention putting an end to 21 years of military service, and ruining opportunities for me as a civilian law enforcement officer resulting in a lower quality of life than I could have provided for my family.

I will be forwarding a copy of this letter to the Honorable Senator Hillary R. Clinton so that Senator Clinton will be informed on recent developments since our last correspondence.

You may contact me by telephone at the following numbers:

Cell: (b)(6)

Work: (b)(6)

My mailing address is:

(b)(6)

14 March, 2003

To: The Honorable Hillary Rodham Clinton
United States Senate
476 Russell Senate Office Building
Washington, DC 20510

From: (b)(6)

SUBJ: COMPLAINT OF WRONGS COMMITTED BY COMMANDING OFFICER

Encl: 1) Initial Article 138 Complaint of Wrongs dated 13 DEC 2002
2) (b)(6) endorsement of complaint dated 20 DEC 2002
3) Rebuttal to (b)(6) endorsement dated 16 JAN 2003
4) (b)(6) endorsement to rebuttal dated 21 Jan 2003
5) Statement/Rebuttal to Adverse Fitness Report dated 21 Jan 2003

Dear Senator Clinton,

My home of record is (b)(6) New York, and I am writing you in desperation for your assistance to salvage my twenty-one years of naval service. I am a Chief Petty Officer (E-7) Naval Military Police Officer currently assigned to Naval Air Station (NAS) Fallon Nevada. I was assigned as (b)(6) for NAS Fallon Security Department responsible for installation law enforcement, anti-terrorism, force protection, to include the training and supervision of up to 153 patrolman. I have been improperly relieved of my duties without warning or just cause and reassigned to the Family Housing Office. This improper relieve of duty and resulting Adverse Fitness Report has caused me and my family great embarrassment. The Adverse Fitness Report I have received removes retention, transfer, and advancement opportunities, so that I may provide a better life for my family. The abuse and improper treatment I have received from (b)(6) Commanding Officer, NAS Fallon, Nevada will carry beyond my retirement from naval service, and into my return as a civil law enforcement officer in New York. As you are aware, civilian law enforcement is a quasi-military organization. My military experience, training, and Fitness Reports will be closely scrutinized by hiring authorities. The long-term effects of my current mistreatment will result in limited civilian law enforcement employment positions, and a reduction in the quality of life that I may provide for my family who has diligently followed me through the hardships of naval service. I have utilized established procedures under the Uniform Code of Military Justice (UCMJ) to request relief of improper treatment. However, due to (b)(6) (b)(6) blatant lies, overly exaggerated and fabricated stories submitted against me in an attempt to discredit my complaint, and the resulting Adverse Fitness Report I received has caused me to loose faith. Additionally, I fear the close relationship (b)(6) (b)(6) has with Admiral Betancourt's chain of command, may prevent me from receiving fair and impartial treatment without your assistance. I seek your assistance and not my Congressman's, because of the short time remaining before the Selection Board for Advancement begins on 31 March 2003. It has been 3 months since I submitted my initial complaint and it appears my complaint will not be adjudicated until

SUBJ: COMPLAINT OF WRONGS COMMITTED BY COMMANDING OFFICER

well after the selection for advancement process is complete. Although I pleaded with (b)(6) not to issue me the Adverse Fitness Report until the outcome of my Article 138 Complaint against him, he did so in January 03, removing my opportunity for consideration before the Selection Board for Advancement to E-8, which is only conducted annually. Additionally, if my Article 138 request for relief is not granted at the lower levels of review, I may have to wait two or more years before my complaint could be heard before a Naval Board of Corrections for review. As of this date my Article 138 Complaint of Wrongs committed by my (b)(6) (enclosures 1, 2, 3, and 4) is currently with Rear Admiral Betancourt's staff at Commander Navy Region Southwest for review and recommendation, prior to forwarding it to Rear Admiral Betancourt for decision. The attached enclosures is all the information sent to Admiral Betancourt's office for action.

The following is a brief synopsis of my Article 138 complaint against my Commanding Officer.

On 15 November 2002, I was relieved of my duties as Chief of Police for NAS Fallon. When I asked on what grounds I was being relieved, I was informed there were three reasons.

I had allegedly abused a Patrolman the evening before.

I had allegedly abused my authority a year earlier by having the Department of Defense Sticker scrapped from a civilian employee's vehicle.

Because both incidents were allegedly believed to be alcohol related. I protested this decision and explained that I had not abused the Patrolman, nor did I ever scrap, or order anyone to scrap a DOD sticker from anyone's vehicle. I also informed them that if they were concerned about my alcohol use, I would gladly have myself evaluated. Although I informed them their reasons for my relief was based on false and inaccurate information, I was still relieved of my duties.

Knowing that I had not committed the offenses I was relieved for, I inquired into options available to me. I contacted a legal assistance officer at NAS Lemoore California, and informed him of my situation. The Legal Officer informed me that based on the information I provided him, I had grounds to file an Article 138 Complaint of Wrongs Committed by a Commanding Officer, under the Uniformed Code of Military Justice (UCMJ). The Legal Officer also instructed me to get statements from witnesses who were present during the alleged incidents.

On 10 December 2002, I had received all statements and completed my Article 138 Complaint against (b)(6). Statements from witnesses clearly showed a different story as to the events of 14 November 2002, when I allegedly abused the Patrolman, and resulted in my relief. Additionally, the witness statement of (b)(6) (b)(6) states when she tried to talk to the Patrolman, he was disrespectful by ignoring her questions also. (Witness statements submitted as enclosures 1-1 thru 1-4). Also submitted with enclosure 1, is a statement provided by (b)(6) (b)(6) who is the civilian employee I allegedly had the DOD sticker scrapped from his car. In (b)(6) statement he clearly states that his sticker was never scrapped from his car and the incident was completely false. (b)(6) statement submitted as enclosure 1-6).

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6)

Because (b)(6) was out of town for the week on business I waited until his return to submit my Article 138 Complaint. I submitted my Complaint at 0930 on 13 December 2002. Later I was informed I had a 1430 meeting with (b)(6). I had high hopes that when I presented the actual facts to (b)(6) he would reverse his decision to relieve me, which was based on rumors and lies.

I arrived at (b)(6) office at 1415, and was told he was in another meeting. As I waited outside (b)(6) office, I could hear bits of the conversation taking place in the (b)(6) office. It was obvious the (b)(6) was discussing my Article 138 complaint against him with his chain of command. I clearly heard (b)(6) say; "I don't know why he would submit a statement that (b)(6) didn't scrape his sticker, he's the one who complained to me about it!" obviously referring to the statement provided by (b)(6). (I later asked (b)(6) about Command (b)(6) comment that he had complained about scrapping his sticker. (b)(6) replied; "That's a lie, I never spoke to (b)(6) I don't even like the guy!")

Approximately a half-hour later NAS Fallon (b)(6) (b)(6), and the (b)(6) walked out of (b)(6) (b)(6) office and I was called in. (b)(6) asked me to sit down and he began to debrief me on an Adverse Fitness Report removing my recommendation for advancement and retention. I said to (b)(6) (b)(6) I requested not to receive a special evaluation in my Article 138 complaint." (b)(6) looked at me as if he had no idea what I was talking about and said; "Article 138 complaint?" I replied; "Yes Sir, you are aware I filed an Article 138 Complaint against you?" (b)(6) replied; "No, I heard you may have submitted something this morning, but I have not gotten around to it yet." This was the first of many more lies to follow, and I suddenly became very concerned that I would not receive fair and impartial treatment from my own (b)(6). After we spoke about my Article 138 complaint, (b)(6) said he would hold on to the Adverse Fitness Report and look into my complaint against him. He promised that he would not stand for any exaggerations or false stories from his chain of command, and would respond back to me about my complaint. This was (b)(6)'s second lie to me, I was informed later that afternoon (b)(6) had given full copies of my Article 138 complaint to all parties involved and told them they needed to support my relief of duties.

On 06 January 2003, I went to the NAS Fallon Legal office to request the status of (b)(6) inquiry into my Article 138 Complaint. I was interested as to why witnesses to the alleged incidents between the Patrolman and (b)(6) had not been spoken to or questioned. To my surprise I was informed (b)(6) had completed his inquiry and Sent it to Commander Navy Region Southwest. (Submitted as enclosure 2)

I received a copy of the inquiry, and was informed (b)(6) wanted to see me. During the meeting, (b)(6) began to debrief me on my Adverse Fitness Report. Once again I pleaded with (b)(6) to await the outcome of my Article 138 complaint. (b)(6) (b)(6) stated San Diego (b)(6)

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6)

(Navy Region Southwest) told him to issue the Adverse Fitness Report against me. (b)(6) asked me if I had reviewed his findings on my Article 138 complaint. I informed him that I had just received it and only had time to read the (b)(6) endorsement. (b)(6) asked me if I had any questions about it. I asked (b)(6) about his comments on the endorsement to Admiral Betancourt, where he stated he had personally counseled me on two separate occasions. I asked (b)(6) exactly when these counselings occurred. (b)(6) said the first time was during a meeting we had in his office in the month of December. We discussed the incident involving (b)(6) vehicle sticker. I informed (b)(6) I remembered the meeting we had which we discussed the installation physical security issues. However, we never discussed the incident involving (b)(6) or anything to do with my leadership or behavior. (b)(6) replied; "I'm pretty sure we spoke about it." I then told (b)(6) had he spoken to me about (b)(6) I would have told him of (b)(6) and that his information was incorrect. I then asked (b)(6) when was the second time he discussed concerns he had with me. (b)(6) said; "about six months ago at the security department." I said; "six months ago, you came up to security for a (b)(6) (all personnel meeting) with the entire security department." (b)(6) replied; "Yes, that's when we talked." I then said to (b)(6) "So you consider an all hands meeting with the security department a personal counseling on me?" (b)(6) replied; "Yes, although I did not mention your name directly, I thought you would understand that I was talking to you." I was shocked by these comments but decided to say nothing more. Unbeknownst to (b)(6) I was not present at his (b)(6) due to departmental requirements that could not be rescheduled. Both of these comments are false and deliberate lies by (b)(6) to Admiral Betancourt in an attempt to substantiate my relief of duties, and the Adverse Fitness report I received.

During the debrief of my Adverse Fitness Report I could clearly see on the routing form that it was initiated on 9 December 2002 by the (b)(6) who I had previously informed I was filing a formal complaint. The Adverse Fitness Report was then routed to the (b)(6) on 10 December 2002. It was then sent to NAS Fallon Administration Department on 10 December where the letter of Adverse Fitness Report was initiated, serialized, and dated. Then the Fitness Report was routed to (b)(6). Because (b)(6) was out of town during this time period with the exception of 9 December 2002, he fraudulently dated and signed the Adverse Fitness Report for 9 December 2002, to give the appearance that the Report was not submitted in retaliation for my Article 138 Complaint against him. I informed (b)(6) that I intended to submit a rebuttal against the report. (b)(6) said he would review and consider my rebuttal prior to submitting the report. (b)(6) cautioned me by saying comments in my rebuttal could effect my future in NAS Fallon.

On 7 January 2003, The day after I signed the Adverse Fitness Report and acknowledged that I intended to submit a rebuttal/statement, I was informed the command had already mailed out the Adverse Fitness Report for submission into my permanent record without providing me the opportunity to rebut. When I asked the Administration Leading Petty

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6)

Officer why the Adverse Fitness Report was sent off before I submitted my rebuttal, he replied; "I asked about your rebuttal, but I was told to send it off anyway."

Under U.S. Navy regulations Article 1122, (adverse matters in Officer and Enlisted Fitness Report) states: If adverse matter appears in a fitness report of an Officer or Enlisted member E-5 and above, of the Navy and Marine Corps, or in related correspondence, the report or correspondence may not be placed in the official record unless the member reported on was first afforded an opportunity to submit a written statement regarding the matter.

Approximately a month after submitting my rebuttal/statement to the Adverse Fitness Report I accessed my military record on-line. The Adverse Fitness Report had been entered in my official record, but my rebuttal was not there. I then contacted the Administration Office Leading Chief for the status of my rebuttal. (b)(6) informed me she had not recently seen the rebuttal, but she would follow up on its status for me. (b)(6) later contacted me and informed me that (b)(6) told her he was not endorsing my rebuttal, and it had already been sent out. I then contacted the Bureau of Naval Personnel (BUPERS) to inquire into the status of my rebuttal. I spoke with (b)(6) who informed me that his office had not received my rebuttal. (b)(6) also informed me that the (b)(6) can not refuse to endorse my rebuttal and was in fact, required to do so. (b)(6) continued to say his office would have documented receiving my rebuttal, then returned or sent a message to NAS Fallon requesting the (b)(6) endorsement. (Submitted as enclosure 5)

It is quite obvious that my Command acted in a knee-jerk response by relieving me of my duties without conducting a proper inquiry into the patrolman's complaint. I tried to force (b)(6) to perform a proper inquiry into the events that I was relieved for by submitting the Article 138 Complaint. Instead, they completely ignored the facts and witnesses, and resorted to conjuring up lies, using unlawful influence, overly exaggerated and false stories to support their initial decision instead of admitting an error. The (b)(6) even submitted a statement from a Master Chief not assigned with NAS Fallon who was intoxicated, in an attempt to discredit the statement of (b)(6) who is allegedly a victim of my abuse.

Other senior personnel who are not members of the "Good Old boy's Club" have brought concerns they have about other command improprieties to my attention. I have it on good authority (b)(6) has ordered the illegal diversion of base money to pay for the maintenance and upkeep of a private swimming pool.

Another individual informed me that (b)(6) used enlisted men (assigned to the same Master Chief who submitted the statement to discredit (b)(6) statement) to install a large Brass Pole in the Officers Club. The Brass Pole is mounted from the bar to the ceiling in which women climb up on the bar and dance as if it was a stage at a strip club for the enjoyment of the Officers. In disbelief I stopped by the Officers Club during an all hands luncheon, and was quite

SUBJ: COMPLAINT OF WRONGS COMMITTED BY (b)(6)

shocked to see the Brass Pole does exist. Employees at the Officers Club told me the Brass Pole is used quite often, and at times it's use gets pretty ugly and tasteless. After the embarrassment every sailor was forced to endure over the Tail Hook scandal, I could not believe they would install a Brass Pole for women to dance, especially when NAS Fallon's primary mission as a training command for young pilots.

Recently two young female patrolmen visited me on separate occasions. They both complained they have been the victims of sexual harassment. I instructed them to return to the Security Department and report the incidents to their Chain of Command. One of the female patrolmen stated she had complained to the Chain of Command however she was told to just ignore it, because things have always been that way. The other female patrolman stated it was the Chain of Command who was harassing her. When I directed them to NAS Fallon Equal Opportunity Office, one of the patrolmen stated she had already been there and was told she could file a complaint. The other patrolman says she fears retaliation by the command.

I have been repeatedly lied to, and lied about, by my chain of command. My Naval career and future as a civilian law enforcement officer has been severely jeopardized by individuals of corrupt values and moral character as outlined above. I respectfully request your assistance by having the Adverse Fitness Report submitted against me removed from my official record until the outcome of my Article 138 grievance against this command is complete. Although I believe your assistance will result in a strategically placed phone call from this command to a friend on the selection board for advancement. I will still have the opportunity to compete against my peers for advancement, allowing my years of continued superior performance in my official record to speak for itself.

If you required more information I may be contacted during normal working hours at (b)(6) or (b)(6)

My home number is: (b)(6)
My cell number is: (b)(6)

My E-mail address is: (b)(6)

My home mailing address is: (b)(6)

Thank you for your time and consideration in this matter of utmost importance.

Very Respectfully,

(b)(6)

COMPLAINT OF WRONGS

Submitted under the provisions of Article 138, UCMJ.

1. From: (b)(6), (b)(6)
 - a. Organization: Naval Air Station Fallon, Nevada
 - b. EAOS/EAS: March 2004
 - c. Permanent Home Address: (b)(6)
(b)(6)
2. To: (b)(6) Navy Region Southwest
3. Via: (b)(6) Naval Air Station Fallon

4. Respondent

- a. (b)(6)
- b. (b)(6), Naval Air Station Fallon,
Nevada

5. Complaint

- a. Date wrong discovered: 15 November 2002.
- b. Specific nature of wrong:

I have been wrongly and unjustly relieved from my position of Chief of Police at Naval Air Station Fallon, Nevada. This situation has ended my career, and any chances of upward mobility. I have been embarrassed and disgraced by this issue.

The following is a detailed narrative of all pertinent events that resulted in my being relieved of my position:

On 15 November 2002, at approximately 1200, I was called into the security detachment conference room located in Bldg. 427, Naval Air Station Fallon. Present were (b)(6) (b)(6), (b)(6), (b)(6), NAS Fallon; (b)(6) (b)(6), NAS Fallon; and (b)(6) (b)(6) NAS Fallon.

(b)(6) began by asking, "You were at the Chiefs club last night, correct?"

I responded: "Yes, I was."

(b)(6) continued: "What happened between you and (b)(6) [then, in a slightly sarcastic tone, obviously inferring alcohol involvement] Or don't you remember?"

I replied, "Yes, I do remember what happened, and no, I wasn't intoxicated." (b)(6) then asked me what happened.

I responded: "I was at the Chiefs' Club enjoying my time off with my fellow Chiefs and right-hand-men. After playing pool and talking with other individuals, I had noticed (b)(6) standing up against the bulkhead observing everything in the club. After approximately 10 minutes (b)(6) was still standing there and appeared to be listening to conversations the Chiefs were having. Soon after, other Chiefs asked me why the Patrolman was there, to which I responded, 'I don't know, but I'll find out.' I walked over to (b)(6) and asked him, 'What's going on, why are you here?' (b)(6) ignored my question and looked away from me. I felt this was somewhat disrespectful, but, again, I asked (b)(6), 'What the fuck's up? Why are you here?' Once again (b)(6) did not reply to my question. I then assumed he was conducting a club walkthrough like the earlier Patrolmen had. So I informed (b)(6) we don't do club walkthroughs in the Chiefs' or Officers' club. I then told him to leave, which he did. I found out afterwards that he was called to assist with lockup."

(b)(6) then informed me that (b)(6) complained of abuse and wanted to quit the security department. (b)(6) then asked me how I got home from the Chiefs club. I responded, "I drove home."

(b)(6) then stated, "In light of the situation you put yourself into, I have to relieve you of your duties as (b)(6). You will be reassigned to another department."

I went into complete shock at hearing that I was relieved of my duties. I pleaded with (b)(6) that I did nothing wrong and to not fire me from my job.

(b)(6) then stated, "Your alcohol use is beginning to effect your work."

I asked (b)(6), "How has it effected my work? When?"

(b)(6) then said, "Last Friday you were late for work. You didn't come in until later that morning." I replied, "I wasn't late. I told (b)(6) on Thursday that I would be in later Friday morning because my old Commanding Officer from 10 years ago in Japan was now the (b)(6), and he was leaving the following day. We were getting together along with other sailors who we were stationed with us to reminisce about old times."

(b)(6) then looked at (b)(6) and said, "I told you that!"

Because this decision was obviously based on their belief that I was intoxicated, I said, "I can understand your concerns about this, so I'll go over to the base DAPA and have a nice long talk with him. I'll fill out any required paperwork, and then we'll take it from there. And at a minimum, I'll go to the next ADAMS class because I've never been able to go before, but please don't relieve me from my duties."

(b)(6) then stated, "You're right. You will go to see the DAPA, and you will 'at least' go to alcohol treatment Level II, if not Level III." I looked at him and said, "How can you say that? That's not how the program works!" (b)(6) then said, "That's how it is going to work."

I then pleaded with (b)(6) not to relieve me again. In a state of panic for my job and my career, I said, "Please, if you don't fire me, I promise I won't drink anymore, so you won't have that as a concern. Additionally, I will go over to the Command DAPA and demand that they send me to alcohol Level II. Even if they said I don't need to go, I'll demand it."

With those comments said, (b)(6) asked me to step out of the room so they could discuss the issue. After approximately 5 minutes, I was called back into the conference room.

(b)(6) stated, "I don't have a choice. You will be reassigned to another department." Once again, I begged not to be relieved.

(b)(6) then said, "Well, frankly, the Patrolmen hate you, so I don't have a choice [referring to a negative department assessment survey]. I have to relieve you."

I responded, "The patrolmen don't hate me. There are about 10 disgruntled patrolmen in this department who don't like me because they have been in a lot of trouble, and we hold them accountable for incidents they got themselves into!"

I then asked (b)(6) "Did you ask (b)(6) what happened last night? He was at the club with me the whole time."

(b)(6) replied, "Yes, I talked to (b)(6) and he said you were verbally abusive to (b)(6)"

Surprised and confused at what (b)(6) told me about what (b)(6) had said, I discontinued my protests. I then asked where I stood, and what was next for me.

(b)(6) stated, "Because you have been relieved of your duties, a special evaluation is warranted to document the relief. Additionally, there will probably be administrative charges that are brought against you."

I immediately responded, "Administrative charges? For what?"

(b)(6) replied, "For abuse of authority."

I asked, "What abuse of authority? When have I ever abused my authority?"

(b)(6) replied, "There was the incident in the Chiefs' Club when you broke a pool stick on the bar and scraped the sticker off someone's car a year ago."

I replied, "That's bullshit! That never happened! I never broke a pool stick or scraped the sticker off of someone's car." I continued to add, "I was the victim of a joke by a friend of mine. While I was in the bathroom, one

of my friends poured a large amount of Soy sauce in my beer. Because I was drinking a dark beer, I never noticed a change in color. After I took a large swallow from the beer, I immediately went into a gag reflex and ran to the bathroom. Before I could make it to the commode, I vomited all over the floor. After I regained my composure and looked at the mess, I didn't feel it was right for me or anyone else to clean the bathroom. I was determined to make the individual who caused me to make the mess clean it up. So I walked out of the bathroom and picked up a pool stick, turned it upside down and slapped it on the bar and announced, "Whoever screwed with my beer had better get in the bathroom and clean that mess up." After I made the announcement, an almost 7-foot/over-300-pound civilian named (b)(6), who I suspected of tampering with my beer, got up, and went into the bathroom to clean it. I then leaned the pool stick back against the bulkhead and the cork tip popped off.

(b)(6) then stated, "What about you calling the Patrolman over to the club to scrap a sticker off someone's car?"

I replied, "The patrolman was the Watch Supervisor who came over to the club to give me a pass down on events that happened earlier that day. He was not there to scrap someone's sticker."

(b)(6) then continued, "Well, you have been argumentative in the Chiefs' Mess in the past."

To which I replied, "That's what the Chiefs Mess is for, to work out job-related differences with other Chiefs."

(b)(6) then ended the meeting by saying, "You have until this weekend to clean out your office."

As I was leaving the conference room, (b)(6) said, "We will reconsider your relief of duty after you return from alcohol treatment."

With that comment I returned to my office in a state of shock. The first thing I did in an attempt to save my job was to call the DAPA to make an appointment. I was informed that (b)(6) was conducting Physical Training and then going to lunch. Fifteen minutes later, I received

a phone call from (b)(6), who told me I had a 1315 appointment with (b)(6)

At 1315, I walked into (b)(6) office and said, "Set me up with a class in San Diego. How soon can you get me out of here?"

(b)(6) (b)(6) asked me, "What's the big rush?" I told him I needed to get down to San Diego as quickly as possible so I can get my job back. I told (b)(6) what had happened, and then told him the only chance I had to get my job back was to get down to San Diego and back as quickly as possible. (b)(6) then gave me the DAPA questionnaire, which I completed and returned. (b)(6) (b)(6) told me he would review the paperwork and set me up with an appointment to meet with (b)(6) the Drug and Alcohol counselor at Medical.

I returned to my office where I ran into (b)(6), USNR, NAS Fallon Security Detachment. I then asked him if he heard what happened to me. He replied, "Yes." I then asked (b)(6) what could I have possibly forgotten that give him the idea I abused patrolman (b)(6)

(b)(6) said, "You didn't abuse (b)(6) last night. You did nothing wrong." I told (b)(6) that (b)(6) (b)(6) told me that (b)(6), said I had abused (b)(6).

(b)(6) said, (b)(6) called him over to the Admin building this morning and asked him what happened between you and (b)(6) last night. I told him nothing happened. (b)(6) just asked him to leave the club after (b)(6) wouldn't answer why he was there."

(b)(6) continued, saying to me, "(b)(6) then asked me if you were intoxicated and I said 'No, (b)(6) would have passed a Field Sobriety Test.' (b)(6) then replied, 'That doesn't matter. He has a high tolerance level.' (b)(6) then asked if (b)(6) used bad language. I said, 'He may have said "Fuck" somewhere in there. (b)(6) then replied, 'That's abuse,' and then walked away." (Statement submitted as enclosure 1)

The following Monday, I had an appointment with (b)(6) (b)(6) the drug and alcohol counselor. I informed her of the situation I was in, and that I needed to go to San Diego

for treatment to get my job back. We then discussed my alcohol use for awhile, and she then gave me a screening form to complete. After I completed the form, she reviewed everything and thanked me for the honesty in the comments I wrote down.

(b)(6) then expressed concern about my motivation for being there, and pondered if I wasn't doing more damage then good by taking this route in dealing with my situation. I told her I believed this was the only option I had to get my job back.

(b)(6) then told me I was a borderline alcohol abuser and I met 2 of the 7 criterion for that classification. (b)(6) informed me that 3 of 7 criterion must be met for me to be referred to treatment in San Diego. We then went over my answers on the screening again. We discussed the Friday when I had taken time off in the morning after being with my old (b)(6) and shipmates. I eventually agreed with her that I wanted to sleep in because we were out late and the evening involved alcohol even though the evening had been prearranged. I then changed my answer on the questionnaire to say I had been late for work because of alcohol. (b)(6) then said that I now met the 3 of the 7 criterion needed to send me to San Diego for treatment.

I contacted (b)(6) and made arrangements to meet her for lunch. During our conversation, (b)(6) had informed me that (b)(6) did not want to push the issue of what happened in the club. However, (b)(6) had gone to (b)(6) that following morning and wanted to bring me up on charges for abusing (b)(6) in a drunken state. I informed (b)(6) that (b)(6) was not at the Chiefs' Club at any time that evening and was not involved at all. In fact, (b)(6) holds a grudge against me for job-related issues. (b)(6) said she knew about this, but (b)(6) was worried and brought it to the attention of the Command.

A few days later, I was contacted by one of my fellow Chiefs, who informed me that (b)(6) was having problems with the Command because of my case. I asked the Chief what he was talking about. The Chief then informed me that the Command was not happy with my classification as an "alcohol abuser" and wanted me to instead be classified

as "alcohol-dependent," and suggested that I might want to look into that issue.

I contacted (b)(6) and set up a meeting with him. I met with (b)(6) and discussed my case. I also pointed out to him that, as my DAPA, he has a responsibility to inform me of anything that deals with my case. I then asked him if he had been contacted by the Command about my issue. He told me that he had talked with (b)(6) who inquired about my classification. After I pushed (b)(6) further, he admitted that the Command was not happy with my classification as an "alcohol abuser," and wanted the classification changed to "alcohol dependent." (b)(6) continued to say that he informed (b)(6) that (b)(6) the Drug and Alcohol Counselor, had also classified me as an "alcohol abuser." (b)(6)'s classification could only be changed by a medical doctor. (b)(6) then asked (b)(6) if I already had an appointment. (b)(6) told him the appointment was with (b)(6) the following week. (b)(6) then said, "Okay, we'll see about this," or words to that effect.

A few days later, I met with (b)(6) at Branch Medical Clinic Fallon. (b)(6) told me he was waiting for the screening paperwork from (b)(6). I began to talk to (b)(6) about my case. I asked him if he had been contacted by the Command about my issue. Initially, (b)(6) said that he had not. I then said, "So (b)(6) has not contacted you about me at all?"

(b)(6) then said, "Now that you mention it, CMC did call me about you." I asked (b)(6) if the (b)(6) had asked him to classify me as "alcohol dependent."

(b)(6) said, "No. Why?" I informed him how the Command was not happy with the "abuse" classification and tried to get the DAPA to change my classification to "dependency." (b)(6) then said, "the Command Master Chief did not directly say the Command wanted you to be classified as 'alcohol dependent.' However, during the conversation, (b)(6) continually referred to you as being 'alcohol dependent,' and wanted you to get the proper treatment for your 'alcohol dependency.'"

I then told (b)(6) that I knew he was a professional and would not be persuaded by the Commands attempts to

influence him, but I felt it would be better to end the examination and reschedule with a different Medical Officer. (b)(6) said he completely understood, and would reschedule the appointment for me with another doctor.

I have not gotten along well with (b)(6) since October/November of 2001, when (b)(6) was placed on report for insubordinate conduct towards me, as well as other charges. After a surprisingly lenient Chief Petty Officer Disciplinary Review Board (CPO DRB), I went to the bathroom to use the toilet. (b)(6) walked in shortly after me with an unknown Chief who asked him why he let (b)(6) off so easy. (b)(6) replied, "Because (b)(6) is a boot Chief and he doesn't know what he's doing." I was crushed to hear these words, and I didn't know what to say. So I remained silent, never letting him know I was in the room inside one of the stalls. I knew I did everything possible to correct (b)(6) deficiencies prior to placing him on report. I have never had a proper (b)(6) relationship with him since. (b)(6) admits she is aware that Command (b)(6) doesn't like me, but she does not know why.

I never allowed my relationship with (b)(6) to bother me with the exception of his direct influence with the (b)(6) and (b)(6). However, now that the Command was trying to change my DAPA classification to "dependency" and the Command contacted the Medical Doctor to attempt to persuade him into classifying me as "alcohol dependent," I naturally became upset.

On 25 November 2002, because I was scared of retaliation from the Command, I contacted the Navy Region South West Equal Opportunity Advisor. I did not identify my Command or myself to the Master Chief I spoke to, with the exception of divulging my first name and telling him I was a Chief, because the Master Chief community is so small. I told him of my situation as written above. The Master Chief informed me that my issue did not fall under Equal Opportunity guidelines; however, he suggested that I may want to look into contacting a Navy JAG officer.

On 25 November 2002, I contacted NAS Lemoore Naval Legal Services Office and spoke with (b)(6). I informed

him of my situation as outlined above. (b)(6) said that I may have grounds to file a Naval Regulations Article 1150 complaint or a UCMJ Article 138 complaint. (b)(6) (b)(6) advised me to obtain any statements I could from witnesses in regards to the incident. Additionally, he said he would send me a copy of the Complaint of Wrongs instruction for me to review.

A few days later, Security Personnel informed me (b)(6) (b)(6) (b)(6) NAS Fallon, had conducted a Security Detachment All Hands Call. They told me the (b)(6) said he was aware of problems in the department and that because some people have since been relieved, things would start getting better in the department. The Patrolman knew I was the only person who had been relieved and wanted me to know what the (b)(6) (b)(6) had said, because they didn't agree with it.

On 4 December 2002, I talked to (b)(6) (b)(6) NAS Fallon, Operations Department. She was concerned because she heard I had been relieved of my duties and asked me how I was doing. During our conversation, (b)(6) (b)(6) told me she had spoke with (b)(6) (b)(6) and informed him that she was working as the disc jockey on the evening in question. (b)(6) also stated that she saw what happened and would be willing to provide a statement in regards to the events of that evening. (b)(6) had said to her that he had all the information he needed in regards to (b)(6) (b)(6) case. (b)(6) continued to say that (b)(6) s comments were odd because, if they had all the information they needed, why was (b)(6) (b)(6) not reinstated as the Chief of Police? [Statement submitted as enclosure 2]

I went to the Chiefs' Club to say goodbye to (b)(6) UNSR, NAS Fallon, Security Detachment, who was deactivating. (b)(6) told me he didn't agree with what happened and wished he could do something. I told him not to worry and that I would be okay. He then said, "You did a lot for me during Chiefs' initiation and I just wanted you to have this letter I wrote as a character reference if you need it." [Letter submitted as enclosure 3]

The CPO club bartender (b)(6) came up to me and said that she had heard that I had been fired from my job.

I told her that was true and that they had put me in the housing office. She then asked me why I had been fired. I told her I was fired because they said I was drunk and abusive to the Patrolman who was in the Chiefs' Club last week. She then said, "You weren't drunk or abusive to him at all! I saw everything that happened between you and him that evening." I then asked her if she would provide a written statement to the events of that evening; she replied, "Of course I would." [Statement submitted as enclosure 4].

On 9 December 2002, at approximately 1100, I spoke with (b)(6) of NLSO, NAS Lemoore. (b)(6) advised against going to my scheduled alcohol screening with NAS Fallon medical clinic until other issues were resolved.

On 9 December 2002, at approximately 1440, I met with (b)(6) NAS Fallon Branch Medical Clinic. I informed him I needed to delay my appointment under advice from legal counsel. (b)(6) said he understood and would be willing to see me again when I was ready.

Subsequently at approximately 1500, I met with (b)(6) NAS Fallon DAPA. I informed (b)(6) that I canceled my appointment and will reschedule. We spoke briefly about how I was handling things in light of my situation. I could tell something was bothering (b)(6) because he wasn't his normal happy personality. I kept asking him what was wrong until he told me that (b)(6) has continued harassing him about my situation. (b)(6) said that (b)(6) discussed my Alcohol classification in open forum in front of Enlisted personnel on 5 December 2002, while they were waiting on XO1 and CO's MAST. (b)(6) continued to say that he became upset at (b)(6)'s continued ridicule of his alcohol classification as me being "alcohol abusive." (b)(6) expressed to me that he now had some concerns of future reprisal against him from the Command because things weren't going the way they wanted it to.

The following day at approximately 1500, I ran into (b)(6), Weapons Department, NAS Falon. He was concerned for my well being and wanted me to know that I could always talk to him if I needed someone to vent on. I thanked him for his concern and told him I was hanging in there. (b)(6) then said he would talk to people

in my behalf if I desired. I asked (b)(6) if he would be willing to be a character witness for me by providing a written statement. (b)(6) said he would be happy too. (Statement submitted as enclosure 5)

On 10 December 2002, I called (b)(6) who works for Boeing Aerospace. I informed (b)(6) that I had been relieved of my duties as (b)(6). I also told him one of the excuses used to relieve me was that I supposedly broke a pool stick in the Chiefs' Club, then scrapped the sticker off his car. (b)(6) became upset with this and stated that none of that happened. I told him that I needed a statement from him informing the (b)(6) that it never happened. (Statement submitted as enclosure 6)

1) To address the issues involving (b)(6) and myself: Prior to my arrival at NAS Fallon, the security department already had many problems with (b)(6) as identified by numerous counseling reports. The counselings involve incidents such as the removal of qualifications for crashing a patrol vehicle into the base perimeter fence line due to excessive speed, to insubordination and disrespect towards a (b)(6) just to name a few examples. Since I reported onboard, I have continued to have difficulties with (b)(6)'s on- and off-duty behavior. Noteworthy examples include an incident when he got upset with myself and (b)(6) for separating him and (b)(6) into different duty sections because of a perceived adulterous relationship they were having together. Continued verbal and written counseling followed due to insubordination, reckless behavior, and failure to obey regulations in regards to motorcycle safety and Installation/Navy regulations.

Another incident with (b)(6) involved a telephone call I received from the Deputy Sheriff of Lyon County, Nevada, who informed me that he had conducted a traffic stop on (b)(6) for reckless driving and speeding. The Deputy Sheriff informed me he was driving his patrol vehicle up a hill on the highway when a green motorcycle came over the top of the hill towards him in his lane while passing another vehicle, disregarding the solid yellow line on the road. The Deputy Sheriff stated that he had to lock up his brakes and swerve to avoid hitting the motorcycle. When he turned his patrol vehicle around to chase after the motorcycle, the motorcycle was already

pulled over waiting for him. The driver of the motorcycle was identified as (b)(6). The Deputy Sheriff then asked him the approximate date of the last time he received a ticket. (b)(6) replied, "About 3 hours ago". The Deputy Sheriff then asked (b)(6) where he worked. To the surprise of the Deputy Sheriff, (b)(6) identified himself as a Patrolman from NAS Fallon. Because (b)(6) was a Military Police Officer, the Deputy Sheriff gave him a choice: to take the ticket, or to give him the name and phone number of his (b)(6). (b)(6) gave the Deputy Sheriff my name and phone number, so he wouldn't receive another ticket.

I then told the Deputy Sheriff that this was not the only complaint I had received about (b)(6) and his motorcycle during the week. In fact (b)(6) and his motorcycle were a continuing problem that I dealt with on a weekly, if not daily, basis. The Deputy Sheriff then told me that he had up to 365 days to write a traffic ticket for this incident, and if I desired, he would write one and mail it to me for (b)(6) signature. I told him I appreciated his assistance and hung up.

A short time later, (b)(6) entered my office. I informed him of the phone call I received from the Deputy Sheriff. (b)(6) became angry at another complaint about (b)(6) and his motorcycle. I then informed (b)(6) that the Deputy Sheriff said he would write the ticket and mail it to us. (b)(6) told me to contact the Deputy Sheriff and have him send the ticket. (b)(6) continued to say, "If we can't slow him down on his motorcycle, maybe his insurance company can."

I then had (b)(6) report to my office so I could get his version of what had happened. After I informed (b)(6) of what the Deputy Sheriff had told me, (b)(6)'s only comment was, "The Deputy Sheriff is full of shit. He didn't have to swerve to avoid me." Because (b)(6) did not take responsibility for his actions or apologize in any way, I informed him that the Deputy Sheriff was forwarding the traffic ticket to the base. With those words, (b)(6) became very angry and started yelling, "That's fucked up! This is bullshit! He gave me a choice between calling you or giving me the ticket. I can't believe your doing this to me!" I informed (b)(6) that the Command was tired of receiving weekly, if not daily, complaints about him and

his motorcycle, so he wasn't going to get out of a ticket because he was a Police Officer. (b)(6) became even more enraged, and continued using profanity in regards to the whole Command. I informed (b)(6) that his conduct was insubordinate and disrespectful. With those words, (b)(6) stormed out of my office without being dismissed and slammed the door.

I informed (b)(6) of my counseling with (b)(6) and his behavior. We also discussed (b)(6)'s current and past driving history and our fear that his driving was going to get him killed or else crash another patrol vehicle. (b)(6) then told me to remove his Emergency Vehicle Operators Certification (EVOC) and get together the paperwork to remove his on-base driving privileges through the (b)(6).

A week later, the traffic ticket from the Deputy Sheriff arrived in the mail. I got the notification-of-intent paperwork for removal of (b)(6)'s on-base driving privileges. (b)(6) reported to my office and I expressed the Command's concern over his driving, and our fears that I would receive a phone call stating that he had been killed. I asked him how his wife would feel if she got the call notifying her of his death, to which he replied that he didn't care about her. (b)(6) continually repeated, "What I do during my off-hours is no concern of the Navy." I told him that his off-duty behavior is our concern when the Command receives repeated phone calls from people complaining about his off-duty behavior.

I then informed (b)(6) that a lot of time-consuming paperwork is involved when a sailor is killed, on- or off-duty, and once again he replied that he did not care. With those comments from him, I told him, "Well, we care, and if we can keep you from killing yourself, we will." I then produced the traffic citation I received from the Deputy Sheriff. (b)(6) became angry as he read the ticket. He began cursing and ranting about how this was "fucked up." After he signed the ticket, he got up to leave and I told him there was more. I then presented him with the Intent to Vacate On-Base Driving Privileges document. He began to read it and then said, "What the fuck is this?" When I explained what the paperwork meant, he said, "This is bullshit! You can't do this to me!" I explained that I was not "doing" anything to him and this paperwork was to inform him of the Command's intent to

remove his privileges and that he could submit a statement on his own behalf that I would attach to the package. Once again he became furious, and repeatedly stated how I was "fucking him over." I told him I wasn't "fucking him over," and that it was a self-inflicted wound for which he only had himself to blame. He then asked if we were finished and stormed out of my office.

On a personal level, I didn't feel right about the actions we were taking, but I also knew that he had left us no choice in the matter. We had utilized every tool at our disposal to avoid getting to this point. I decided to watch (b)(6)'s performance for any improvements before submitting the driving privileges vacation document to the chain-of-Command.

Approximately a week or so later, I made a regretful error in judgment. As I was waiting for my wife to pick me up on her way home, I saw a few Patrolmen standing by the BEQ, so I walked over and talked to them. One of the Patrolmen was (b)(6) and after talking to the group for a few minutes, I asked (b)(6) if I could talk to him for a minute privately, and he agreed. We then walked away from the other Patrolman.

I wanted to talk to (b)(6) "man-to-man" instead of (b)(6) like my Chiefs had spoken to me when I was a young sailor. I also wanted to inform him that I still had his driving suspension package on my desk, and as long as he continued doing everything he was supposed to do, the package would remain there. I began to talk to (b)(6) and informed him that he needed to start doing things properly on- and off-duty. Once again, he stated that the Command should not care about what he does when he is off-duty. I talked to him about his responsibilities as a Police Officer and how, even as a civilian Police Officer, he needed to be cautious about what the community thinks, both on- and off-duty. As a civilian Police Officer, his off-duty behavior effects his on-duty relationship with his supervisors.

I then said to him, "Pretend you're not a cop and you got a ticket for speeding or some other traffic violation. Now three hours later, you see that same Police Officer who is now off-duty on his motorcycle speeding. How would that make you feel?"

(b)(6) replied, "I wouldn't care because he's off-duty now."

I then asked (b)(6) "So you think it's okay to be a Police Officer and give tickets to people for breaking the law, and then turn around and break the same laws when you're off-duty?"

(b)(6) replied, "If I'm off-duty, then yes, what I do on my time is my business." I asked him if he "really" felt that way about it. To which he again replied, "Yes." I then told him there was nothing else I could do for him. I also told him that he might want to consider changing rates if he really felt that way.

Things then turned ugly and (b)(6) became loud and said, "I don't care what the Command thinks about my off-duty behavior, and I wish you and the Command to stay out of it. So fuck you and fuck the Command. Stay out of my business."

Surprised by his outburst, I said, "Okay, this conversations over." I then walked away, regretting that I ever tried to talk to him.

A couple days later, (b)(6) came into my office and told me that (b)(6) tried to file a complaint against me. (b)(6) stated to me that (b)(6) had said that I had been drunk when I talked with him, and that I had become a "Dr. Jeckyl and Mr. Hyde," verbally abusing him. Not knowing anything besides those comments, and what I knew had actually happened, I told (b)(6) that is not what happened: (b)(6) was the one who pulled the "Dr. Jeckyl/Mr. Hyde" routine on me. However, I admitted it was a mistake that I tried to talk with him, and said it would never happen again. (b)(6) said, "Make sure it doesn't." I didn't find out until quite some time later that (b)(6) had lied to them about the events of that evening.

Any issues or complaints (b)(6) has with me are purely vengeance driven by work-related issues. He has never been a "team player," and is willing to contribute to the mission only if he sees that there is a personal gain from it for himself. (b)(6) displays this vengeance-driven motivation by attempting to injecting

himself into the perceived incident between (b)(6) and myself, which had absolutely nothing to do with him. Additionally, I would like to point out that (b)(6) and (b)(6) are in the same duty section, and they worked together on the evening in question.

2) To address the issue of comments in the Security Detachment Assessment Survey relating to myself and alcohol usage: I receive telephone calls on a daily basis from Patrolmen and Watch Supervisors asking advice about situations they are currently dealing with. Many of these calls occur on Friday or Saturday evenings. If I am off-duty and receive a call at home, as I regularly do, and I have been drinking alcohol at that time, I tell the caller that he or she needs to call (b)(6) or (b)(6) to get the answers they need. If I have to redirect calls once or twice a month (or even once every three months), it does not take long for the rumor mill to start turning. I have even told Watch Supervisors in the past to contact (b)(6) or (b)(6) because I will be on liberty/leave/TDY. Yet I still receive calls because they "forgot."

3) To address the issue of (b)(6)'s comments that the Patrolmen hate me: As the (b)(6) I am tasked with carrying out orders, and enforcing Navy, Command, and departmental policy. Although at times I may not agree with certain decisions or orders, I take ownership of them and pass them out to the troops as if the orders came from me. About six months ago, I had a talk with Chief Mable, NAS Fallon CMEC advisor. I spoke with (b)(6) of my concerns with the morale in the department and how I felt things weren't going well. (b)(6) offered to conduct a departmental assessment survey. I told him that I felt it wasn't time for that, because there was a lot of damage that needed to be repaired since 11 September 2001, and (b)(6)'s arrival. I told (b)(6) that because I take ownership of all the directions I'm given, I felt I wouldn't fair well on a survey at this time. We then discussed different ways I could approach the issue, but mainly we agreed I needed to stop taking ownership of what I felt were bad or "knee jerk" decisions.

(b)(6) approved my removal. As (b)(6) he allowed his subordinates to conduct a substandard investigation into this alleged incident.

Essentially, (b)(6) and (b)(6) acting with the (b)(6)'s consent conducted an investigation which failed to collect the available evidence, utilized a biased alleged "victim" and reached a invalid conclusion far too quickly. The (b)(6) didn't ensure a proper inquiry was conducted, so that witnesses at the Chief's club and myself could be properly interviewed about the events of the evening in question. Instead a decision was made on poor intelligence to relieve me of my duties and ruin my career. The (b)(6) allowed his subordinates to attempt to influence the results of the DAPA screening, disregard witnesses' statements, publicly ridicule me, and disseminate information which should have been private. The (b)(6) (b)(6) further exacerbated the situation by making a public announcement that his actions should relieve what was alleged to be a hostile environment. The (b)(6) (b)(6) took these actions without once ever allowing me to present the truth about the alleged incident. He acted without a record of counselings of my alleged deficiencies or any warning that my performance had been questioned in the past. These actions were taken without providing even the merest opportunity to correct the alleged deficiencies.

I have worked extremely hard and diligently for this command. I routinely work extended hours and weekends to complete the mountains of paperwork and tasks I have because of my obligations as the only active duty Chief for 120 to 150 patrolmen. I am proactive in the development and advancement of my subordinates by conducting after-hours training and career development. I have continued to maintain one hundred percent retention of all eligible sailors, and have had at least six Sailors of the Quarter to include one Sailor of the Year from my department in the past two years.

Total number of pages including plus enclosures: 25

c. Enclosures:

- (1) Statement from (b)(6)
- (2) Statement from (b)(6)
- (3) Statement from (b)(6)
- (4) Statement from (b)(6)
- (5) Statement from (b)(6)
- (6) Statement from (b)(6)

d. Date written request for redress submitted: 13
December 2002.

e. Date answer to request for redress was submitted:

f. Number of days between wrong and submission of
complaint: 28 days

g. Explanation of delay in submission: N/A

6. Relief requested:

1. Immediate reinstatement to my position as NAS Fallon
(b)(6) until my transfer.
2. Any and all administrative actions and documentation
to be removed from any record regarding this issue,
to include evaluations.
3. Command approval to terminate these orders to NAS
Fallon, should I desire to do so.
4. Freedom to continue and perform my duties without
fear of retaliation or retribution.

7. I CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE, AND THIS COMPLAINT IS
SUBMITTED PER THE GUIDELINES AND PROCEDURAL REQUIREMENTS
IN CHAPTER III, MANUAL OF THE JUDGE ADVOCATE GENERAL.

13 Feb 2002
DATE

(b)(6)
(b)(6)

WITNESS:

(b)(6)

Date: 13 Dec 02

This is a statement as to the best of my recollection of the events of Right Hand Man Night at the Chief's Club.

During the night of Right Hand Man Night at the Chief's Club and pertaining to the incident in question, I was playing pool when I noticed (b)(6) in the doorway to the bar area. I was curious as to what he was doing, so I came out to the bar area where I noticed (b)(6) having a friendly conversation with another gentleman at the bar. I walk over to (b)(6) and asked (b)(6) what's he doing here? Pointing over to (b)(6), (b)(6) replied, I don't know, why don't you ask him? As I hesitated (b)(6) asked, in a friendly tone, (b)(6) what are you doing here? There was no reply, as (b)(6) seeming to ignore (b)(6)'s question (b)(6) then asked again, What the fuck are you doing here, and again a blank stare from (b)(6) shortly after the question was asked the Bar Tender (b)(6) answered up, "I called for an funds escort", (b)(6) replied, he can wait out side, he doesn't need to be waiting in the Chief's Club. (b)(6) then turned and told (b)(6) to wait out side. (b)(6) seem to be upset at the request and shortly after (b)(6) left I followed him out side to talk to him. (b)(6) did not want to talk about it and shortly two units responded to the Chief's Club they seemed to think that there was a incident requiring assistance, I told one unit that arrived first that everything is ok on fights or problems, just then the watch commander (b)(6) arrived and (b)(6) came out shortly after and talk to (b)(6).

As to the question of the intoxication of (b)(6) it would be my estimate that he consumed about a beer and hour from the time he arrived, being some time after 1800 and closing just after 2300. We were engaged in playing pool for most of the time, at no time did he seem to be not in control of his faculties. The next day I was called to meet (b)(6) at base admin building at which time he asked me of the incident in question, I told him that he asked (b)(6) to wait out side, the (b)(6) asked is that all he said, I replied well (b)(6) is (b)(6) he said what the fuck are you doing here and said for him to wait out side. The (b)(6) asked if (b)(6) was drunk? I replied I believe he would have past a sobriety test, (b)(6) replied (b) has a high tolerance for alcohol and this is not the first incident, there is more you don't know or something to that matter then left.

(b)(6)

03 December 2002

From (b)(6) (b)(6) USN
To: Whom it may concern

Subj: STATEMENT (b)(6) AND EVENTS OF 14 NOVEMBER 2002

On 19 November 2002 I was told by (b)(6) that (b)(6) had been relieved of his duties as (b)(6) due to an incident on 14 November 2002. I questioned (b)(6) as to what incident caused (b)(6) to be relieved and he said it was because of what happened at the Chiefs' Club after closing. Since (b)(6) was on his way to the Security Department after our meeting, I told him that I would be glad to provide a statement of the events of 14 November if they needed it since I was there. He said he would relay the information and I waited on a call requesting said statement, which never came. Anticipating a call nonetheless, I took the liberty of drafting a statement anyway. The following is a recount of what I observed at club closing on 14 November 2002:

On 14 November 2002 I was working as the karaoke DJ at the Sage and Sand CPO Club, NAS Fallon, Nevada. At the end of the evening, after the bartender had announced last call and the patrons had left, my husband and I stood at the bar talking to the bartender and (b)(6). During the course of conversation I noticed (b)(6) standing in the bar area, close to the doors leading to the dining room. There had been several patrolmen in the club during the course of the evening, but I didn't think that he had been there via invitation as the others had been. I spoke to (b)(6) in passing and he just looked at me without saying a word. Assuming he heard me, but receiving no answer, I continued in conversation for awhile longer then left to go home. As I was leaving I heard (b)(6) ask (b)(6) what he was doing there. At no time did I ever hear a response from patrolman (b)(6) to (b)(6) question, nor did I hear (b)(6) say, or observe him doing anything, that I would consider unseemly, disorderly or unprofessional.

After my return from leave on 01 December, (b)(6) told me that (b)(6) was still relieved and that the events of the evening in question, as accepted by Security Department personnel were inconsistent with what observed. Concerned for (b)(6) I spoke to (b)(6) and Security Department (b)(6) on 03 December 2002. I volunteered that I had information pertaining to the evening in question, reference (b)(6) and that I would recall the events of the evening to clarify any misconceptions they may have had. I was told that it wasn't necessary, that they had all the information they needed.

This is a true and correct statement to the best of my knowledge.

UFETD

(b)(6)

02/20/02

(ENCLOSURE 2)

I write this letter as a character reference for (b)(6). I have worked both for and with (b)(6) for a period of 9 months. As a subordinate I found him to be very approachable and had no doubts of his concern for his sailors' development and personal well-being. From the moment it was announced that I had been selected for Chief, he quickly became an integral part of my transition to the pinning ceremony. His guidance throughout this process was strictly professional and geared toward personal development. As the new Chief working in the Security Detachment, I received invaluable guidance from (b)(6) concerning my new position. While much of this guidance was asked for, the majority of it was provided pro-actively by (b)(6). Not a day went by that he wasn't calling me into his office to discuss issues within the department and talk about the proper way to handle them as a Chief. He made sure to include me during all counseling sessions with subordinates, both positive and negative. During three such counselings I have witnessed (b)(6) display tremendous restraint when the counselees blatantly lied to him. Rather than dwell on their deceptiveness, he maintained focus on the underlying personal issues that were troubling the sailors. When I questioned him about his overlooking his subordinates being untruthful with him, he explained to me the equal importance of building a sailor up when performing negative counseling so that they could continue service with a positive outlook towards their career.

Recently (b)(6) has been relieved of his position as NAS Fallon's (b)(6) due to three incidents over an extended period of time. Whether or not errors in judgment were made on his part is not debatable, he would most assuredly claim responsibility for his actions. My concern is simply stated, I do not feel that the pains that (b)(6) extended to his subordinates to help his sailors continue positively with their Naval Service beyond their mistakes was in turn extended to him. While Command support is a responsibility of a Chief, it is also my responsibility to recognize possible shortcomings that have led to this event. If the incidents leading up to (b)(6) (b)(6)'s relief had been recognized and documented as mistakes that could affect his career adversely it may have never reached this point. If it was believed that a possible alcohol problem existed earlier, a referral to DAPA quite possibly could have prevented the end outcome. (b)(6) is an outstanding Chief and mentor who deserves the same concern for his career as he has always displayed for his subordinates.

In reference to the night of right hand man night at the Chief's Club, (b)(6) (b)(6) arrived after working late as usual, some time after 1900 he had three drinks over the time that I was around and did not seem inebriated and was still in full control of his faculties at the time when I left, just before closing at around 2300.

(b)(6)

29 NOV, 2002

To Whom It May Concern:

I am writing this letter to address the events of Thursday, November 14th, 2002 that took place at the Chief Petty Officer (CPO) Club. I would like to offer my account of what happened. Before closing the Club on Thursday I phoned security to come and secure the building prior to final closing as is required. A patrolman responded to secure the building. As it was, I was not finished with the final tasks in closing the bar and had a few minutes of work to do. The patrolman remained inside the CPO Club and was standing in the bar area. He was asked by (b)(6) what he was doing standing there. The patrolman apparently did not hear him because he did not respond. (b)(6) (b)(6) asked again with no response. I explained to (b)(6) that the patrolman had come to secure the building. Then Chief told the patrolman to wait outside.

In my opinion (b)(6) did not handle himself inappropriately. It is my understanding and have seen this happen on many occasions, that when E-6 and below have business in the CPO Club, they conduct their business and leave. This was (b)(6) (b)(6) intent in asking the patrolman to wait outside. He was in no way abusive or aggressive towards the patrolman.

Having known (b)(6) for over a year, I personally think he is a good person. I have never seen him act out towards anybody or be unapproachable. If you have any questions or need anymore amplifying information, feel free to contact me at the Chief's Club (b)(6) after (b)(6). Thank you.

(b)(6)

(b)(6)

CHARACTER REFERENCE (b)(6)

I find myself once again standing up for a superior Chief Petty Officer who from where I stand is being unjustly accused by a chain of command for abusing his positional authority. This is not new ground for me for I have been here before with a previous command, and regret being put in this position again.

I feel it is my duty as one of the senior enlisted members of Naval Air Station Fallon to voice my view on the case against (b)(6) a Sailor I know would and has developed his Sailors to the maximum extent possible.

(b)(6) is one of the most caring CPOs I have had the privilege of serving with. One of the most striking leadership traits is he demands his Sailors to stay focused in military life. This in my opinion (Which I myself am aware is dated by popular view of a day care mentality) has always been the charter of the Chief Petty Officer. His approach is direct and fair, and has one major theme, "Developing the best security force possible and getting his people ready to handle the leadership challenges of the United States Navy".

Leading over 120 Sailors is not an easy task. Personalities are diverse at best. Frustrations levels for a Chief put in this position is at the very least frustrating at times, particularly when dealing with Petty Officer First Classes with a "Me First" attitude. This Chief has in my opinion (which he seeks endlessly) has performed at a Senior Chief Petty Officer level of restraint. Numerous times that I am aware of (b)(6) has handled disciplinary issue at his level. He does this clearly with the understanding that his charter is to maximize Sailor development. Are there a few Sailors out there who have yet to see this full picture? The answer has to be yes. Some view his approach as an act of aggression. Some of our younger Sailors have nothing else to base their opinion of (b)(6) or the security program for this is the first job, or first leadership position they have ever had.

It is my honest assessment that (b)(6) be immediately reinstated to his position at NAS Fallon's Security Department. I further assess that any delay in his reinstatement will only hinder the progress of improving the Security Program, and Sailor Care at this command. This is the type of Chief Petty Officer the Navy needs in front of Sailors and I would take him anywhere in the world with me to manage a Security Program.

Submitted with the full understanding that this will possibly be included as an enclosure to a grievance package that (b)(6) is submitting (b)(6) (b)(6)

12/12/02

TO WHOM IT MAY CONCERN:

This is in regards to the incident that took place in the CPO club in Nov. 2001. On the night in question I (b)(6) came to the club after work with some fellow co-workers. (b)(6) was there when I arrived, we started joking with each other and just generally BS'n, after getting peanuts and pretzels thrown at me I decided to mess with (b)(6)'s beer, He went to the head and I poured a little soy sauce in his beer as a joke, after he drank some beer he immediately ran to the head and got sick. When he came out he was a little upset, he grab a pool stick and struck the bar with it, and shouted who is the S.O.B. that messed with my beer, at that time I stood up and said " That would be me." It was all in fun. I did go in the head and clean up the sink, why should the bartender have to clean up a mess that was my fault. It has been brought to my attention that some of the other CPO'S believe that (b)(6) or one of his patrolmen scrapped my base decal off my vehicle, my sticker was never scraped nor were any other actions taken against me. (b)(6) and I are friends, and even though I got the upper hand, it was just a joke between two friends that was blown way out of proportion by others who were not even there at the time, or who know the full story.

If anyone related to this incident needs to contact me I can be reached at:

(b)(6)



(b)(6)



(ENCLOSURE 6)



DEPARTMENT OF THE NAVY

COMMANDER NAVY REGION SOUTHWEST
937 NO. HARBOR DR.
SAN DIEGO, CALIFORNIA 92132-0058

IN REPLY REFER TO:

5819

Ser N05R12/3004

3 Jan 03

From: (b)(6) Navy Region, Southwest
To: (b)(6) USN, (b)(6)

Subj: OPPORTUNITY TO REBUT ADVERSE MATTER RELATING TO THE
COMPLAINT OF WRONG UNDER UCMJ, ARTICLE 138

Ref: (a) JAGMAN, Chapter III

Encl: (1) NAS Fallon ltr 5800 Ser N05F/552 of 20 Dec 02 w/encls
(7) through (14) (as renumbered)

1. As the officer exercising general court-martial jurisdiction over the respondent under reference (a), I am investigating and reviewing your complaint and the command's response to your complaint.

2. Enclosures (1) through (7) as listed in the first endorsement are the basic correspondence and its six enclosures. Accordingly, their listing as enclosures (1) through (7) is deleted as inappropriate. Consequently, enclosures (8) through (15) are renumbered enclosures (7) through (14).

2. Enclosure (1) contains matters that may be considered adverse to your case. Per section 0307e of reference (a), enclosure (1) is forwarded for your review and possible rebuttal. If you desire to submit any matters in rebuttal, you must do so, in writing, via (b)(6) Naval Air Station Fallon by 17 January 2003. After that date, I will complete my action on your complaint.

(b)(6)

By dire (b)(6) on

Copy to: (w/o encl)
NAS Fallon (N05F)
JAG (Code 13)



DEPARTMENT OF THE NAVY

NAVAL AIR STATION FALLON
4755 PASTURE ROAD
FALLON, NEVADA 89496-5000

5800
Ser N05F/552
20 Dec 02

FIRST ENDORSEMENT on (b)(6) USN, Article 138 of
13 Dec 02

From: (b)(6) Naval Air Station Fallon UIC: 60495
To: (b)(6) Navy Region Southwest (Code N05R)

Subj: ARTICLE 138 COMPLAINT OF (b)(6) USN,
DATED 13 DEC 02

Ref: (a) Article 138, UCMJ

Encl: (1) Complaint of Wrongs of 13 Dec 02
(2) Statement of (b)(6)
(3) Statement of (b)(6)
(4) Statement of (b)(6)
(5) Statement of (b)(6) of 29 Nov 02
(6) Statement of (b)(6)
(7) Statement of (b)(6) of 12 Dec 02
(8) Statement of (b)(6) of 17 Dec 02
(9) Statement of (b)(6) of 17 Dec 02
(10) Statement of (b)(6) of 16 Dec 02
(11) Statement of (b)(6) of 15 Nov 02
(12) Statement of (b)(6) of 16 Dec 02
(13) Statement of (b)(6) of 15 Dec 02
(14) Statement of (b)(6) of 15 Dec 02
(15) Statement of (b)(6)

1. Per reference (a), enclosures (1) through (15) are forwarded for your review.

2. (b)(6) USN, was relieved of his duties as (b)(6) on 15 November 2002, by the (b)(6) of Naval Air Station Fallon, (b)(6) USN, who was acting (b)(6) in my absence. (b)(6) was reassigned to the housing office.

3. (b)(6) after being briefed by the (b)(6) the (b)(6), and the (b)(6) determined that (b)(6) behavior was unacceptable for someone in his position. The decision to relieve (b)(6) was made based on the information contained in enclosures (8) through (15).

4. Upon my return to the command, I was briefed by my (b)(6) on what had occurred and affirmed his decision to relieve (b)(6) of his duties.

ENCLOSURE(1)

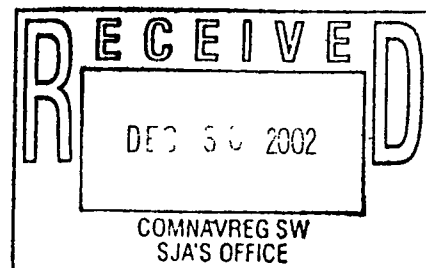
Subj: ARTICLE 138 COMPLAINT OF (b)(6) USN,
DATED 13 DEC 02

5. (b)(6) was not relieved due to one incident of poor leadership. The decision was based on a long history of complaints of abuse by subordinates, repeated perceived and actual alcohol related issues and incidents of poor leadership of the sailors under his charge. I have discussed these issues with (b)(6) on two previous occasions.

6. Enclosures (8) through (15) indicate (b)(6)'s abuse of his subordinates and his inability to maintain a proper standard of leadership. The negative command climate survey referred to in enclosure (9) was indicative of (b)(6)'s leadership.

7. This decision was made after significant deliberation and consideration of the effect it would have on (b)(6)'s career. It is for (b)(6) to determine how he responds and what effect his actions have on his career. I stand behind the decision and support the chain of command which recommended it.

8. If you need further information, please contact me at (b)(6)
(b)(6) DSN (b)(6) (b)(6)



17 Dec 02

Fm: (b)(6) NAS Fallon
To: (b)(6) NAS Fallon
Subj: PERSONAL STATEMENT REGARDING (b)(6)
(b)(6)

On the morning of November 2003, I was chairing a Sailor of the Quarter Board in which (b)(6) was in attendance and she and I briefly discussed an incident that occurred at the NAS CPO Club the previous evening involving (b)(6) and other Security personnel. (b)(6) ask if she and the (b)(6) (b)(6) could meet with me to discuss this and other issues pertaining to (b)(6). We met a little later in my office reviewing the most recent incident that involved (b)(6) along with a fairly long discussion that reviewed (b)(6)'s performance history while attached to the NAS Fallon Security department. Grasping the overall gravity of the situation, I suggested that we meet with the (b)(6) (b)(6) immediately. The (b)(6) (b)(6) (b)(6) and I departed my office and met with the (b)(6) shortly thereafter. The (b)(6) and (b)(6) relayed the incidences involving (b)(6)'s abuse of alcohol and declining performance, abusive behavior towards subordinates, abuse of power/authority, general trends noted in the Security department's Climate Survey, and lastly, we discussed a recommendation from the (b)(6) and (b)(6) to relieve (b)(6) of his duties as (b)(6). The meeting with the (b)(6) (b)(6) (b)(6) and I concluded with a unanimous decision to relieve (b)(6) of his duties as (b)(6). We were directed by the (b)(6) to inform (b)(6) of his decision. At approximately noon, (b)(6) (b)(6) and I met with (b)(6) at the Security Building and discussed his situation and informed him of the decision made by the (b)(6) (b)(6). (b)(6) was reassigned to another department as directed. This decision was not issued easily, but the evidence was overwhelming and the Chain of Command has a definite lack of trust and confidence in the ability of (b)(6) to continue to perform the duties required of (b)(6).

7
Enclosure (8)

The (b)(6) returned from his TAD assignment a day later and was thoroughly briefed by the (b)(6) and myself. The (b)(6) concurred with our actions.

The statements made by individuals in an effort to provide character references for (b)(6) minimize or attempt to cover-up actual events. I find the verbal statements of some of those same individuals that imply "What happens in the Mess, stays in the Mess," to be absolutely preposterous and certainly don't represent Navy Core Values.

In conclusion, I believe (b)(6) has performed unprofessionally as a Chief Petty Officer and (b)(6) on numerous occasions and has been verbally counseled on his shortcomings. The statements provided by (b)(6) and (b)(6) most accurately describe (b)(6) less than desirable behaviors and alcohol use. The facts provided, coupled with my personal knowledge of episodes involving (b)(6) (b)(6) that were unacceptable for a Chief Petty Officer, leave me with only one course of action, and that is to fully endorse and support the recommendations of the Security department and the (b)(6) to relieve (b)(6) of his duties as (b)(6)

(b)(6)

17 December 2002

From: (b)(6) Naval Air Station Fallon, Nevada
To: (b)(6) Naval Air Station Fallon, Nevada

Subj: COMPLAINT OF WRONGS (b)(6) (b)(6)
(b)(6), (b)(6)

1. The following statement is a record of fact involving (b)(6) onboard Naval Air Station Fallon while attached to Naval Air Station Fallon Security Detachment, serving as the (b)(6)

a. On 15 November 2002, at approx 0245, I received a telephone call at my residence from (b)(6) (b)(6) (b)(6) informed me (b)(6) (b)(6) had been involved in another alcohol related incident. (b)(6) stated at 0015, (b)(6) (b)(6) was on duty and responded to Central Dispatch request to report to NAS Fallon's Chief Petty Officer's Club to assist CPO Club bartender, (b)(6) in securing the club and funds escort. (Patrolman check doors, windows, etc.). (b)(6) (b)(6) met with (b)(6) and she informed him to check the kitchen door, windows, and back doors. Patrolman (b)(6) went about his duty when (b)(6) stopped him and stated, "What the fuck are you doing here. You don't belong in here". (b)(6) stated, "I was called over by Central to the CPO Club to help lock up and conduct a funds escort". (b)(6) told (b)(6) "I called Central Dispatch for Security to secure the CPO Club and for a funds escort". (b)(6) told Patrolman (b)(6) to get out of the CPO Club and he had no business inside and that Patrolmen do not do conduct walk throughs in the CPO's club or the Officer's Club. (b)(6) (b)(6) followed the order given and walked outside.

(b)(6) (b)(6) could not understand (b)(6)'s actions and stated he was filing a formal complaint against (b)(6) for his abusive behavior while in the performance of his duties. (b)(6) informed me (b)(6) (b)(6) was writing a statement and wanted to meet with her and the (b)(6) I told (b)(6) I will be in my office at 0730 and we can figure out what just happened before any actions were taken, if any. Our conversation ended. I was stunned and disappointed and could not believe (b)(6) possibly put himself in this situation again.

Enclosure (8)

Subj: COMPLAINT OF WRONGS ICC (b)(6)

b. At approximately 0730, (b)(6) and I interviewed (b)(6) about the incident between (b)(6) and himself. (b)(6) provided a Voluntary Statement (See Enclosure 1). (b)(6) stated both verbally and in writing on 15 November 2002, at approximately 0015, he responded to Central Dispatch request for a patrol unit to respond to NAS Fallon CPO Club for a funds escort and securing the building. As he entered the club, he noticed (b)(6) and her husband, (b)(6) (b)(6) was very polite and engaged in conversation with (b)(6) (b)(6) spoke with (b)(6) for a few minutes. The CPO Bartender, (b)(6) announced the club was closing and it was time for the remaining patrons to leave the club. (b)(6) walked to the other end of the bar and stood near the pool tables and observed (b)(6) USNR, leave the bar. (b)(6) watched (b)(6) talking to another Second Class Petty Officer inside the CPO Club about responsibilities. (b)(6) noticed (b)(6) and said, "What the fuck are you doing here. You don't belong in here". (b)(6) stated, "I was called over by Central to the CPO Club to help lock up and conduct a funds escort". (b)(6) told (b)(6) she called Central Dispatch for Security to ensure the CPO Club was secured and for a funds escort. (b)(6) told (b)(6) to get out of the CPO Club and he had no business inside and that Patrolmen do not do conduct walk throughs in the CPO's club or the Officer's Club. (b)(6) stated he left the CPO Club as ordered by (b)(6).

(b)(6) radioed for his Watch Commander (b)(6) for assistance. (b)(6) arrived on scene and (b)(6) told him what occurred. (b)(6) stated he could not believe the (b)(6) (b)(6) would treat him this way and he was done with his abusive behavior. (b)(6) instructed (b)(6) to wait by the patrol unit. (b)(6) walked over to (b)(6) and asked him what was wrong. (b)(6) stated he heard (b)(6) state to (b)(6) since patrolmen in the department have been in trouble, they are all out to get him in trouble. (b)(6) stated he was not there to bust (b)(6) (b)(6) (b)(6) stated (b)(6) observed (b)(6) was intoxicated and offered him a ride home. (b)(6) told (b)(6) he would rather walk home then provide

Subj: COMPLAINT OF WRONGS ICO (b)(6)
(b)(6), (b)(6)

the patrolmen more things to talk about. (b)(6)
stated he believes (b)(6) drove his vehicle
to his residence because it was not seen parked at the CPO club
parking lot a couple hours later and it was parked at his base
housing. (b)(6) told (b)(6) (b)(6)
walked up to him and (b)(6) (b)(6) told (b)(6)
(b)(6) he believed he hurt (b)(6)'s feelings by
his actions. (b)(6) stated (b)(6) informed him
(b)(6) he did not seem to remember what (b)(6) was
talking about and did not seem to care and did appear not to
remember (b)(6) was in the CPO Club or that he had
told (b)(6) he had no business or reason to be inside
the CPO Club.

(b)(6) stated he fears (b)(6) and wants
nothing to do with him. If he sees (b)(6) walking in
his general direction, he will change course and hide because he
does not want to have any more problems with him. (b)(6)
(b)(6) continued to state he would much rather cancel his shore
duty and return to sea duty than have to deal with (b)(6)
(b)(6) drinking problem and abuse. (b)(6) stated,
"Why is it junior Enlisted personnel always go to Mast for
alcohol problems, but Khaki's seem to have their problems swept
under the carpet". (b)(6) said he knows this is not
the first time (b)(6) has been in trouble with alcohol
and patrolman (b)(6) is referring to (b)(6)
(b)(6). (b)(6) stated he knows (b)(6)
drinks at the CPO Club and then drives on and off base, responds
to Security calls after consuming alcohol and then gives orders
and/or directions to Watch Commanders or the Command
Investigator under the influence of alcohol. (b)(6)
(b)(6) and I asked (b)(6) what he wanted to do.
We informed him he could file a grievance against (b)(6)
(b)(6). (b)(6) asked (b)(6) and I to handle
this because he does not want the fear of reprisal from (b)(6)
(b)(6) (b)(6) and I told him we would handle the
problem.

c. At approximately 0830, I concluded my interview with
(b)(6) and he left my office. (b)(6)
(b)(6) and I were stunned, and disappointed by the
information (b)(6) had just told us. I asked (b)(6)
(b)(6) what her opinion was and she stated, (b)(6) must

Subj: COMPLAINT OF WRONGS ICO

(b)(6)

(b)(6)

(b)(6)

be relieved as the (b)(6). I came to the same conclusion and I agreed with (b)(6). I informed (b)(6) that (b)(6) had called me at home on 14 November at approximately 1800 to discuss the First Class Petty Officer evaluations he was working on. (b)(6) informed me he would be heading over to the CPO club. I estimated (b)(6) arrived at the CPO Club at approximately 1900. The incident with (b)(6) did not occur until 0015.

My decision to recommend relieving (b)(6) as the (b)(6) due to loss of confidence was not based on one incident, but several incidents over a period of time (See Past History, sub-paragraph h). Prior to any further action, (b)(6) (b)(6) and I wanted to inform the Chain of Command of the incidents involving (b)(6). (b)(6) and I went to see (b)(6), (b)(6), NAS Fallon.

d. At approximately 0900, I met (b)(6) USNR, in front of Bldg. 350. I asked (b)(6) if he was aware of the incident that happened with (b)(6) and (b)(6). (b)(6) (b)(6) replied, "Yes". I asked (b)(6) to tell me what happened. He stated (b)(6) was in the Chief's Club at about midnight. (b)(6) saw him and asked him what he was doing there. I asked (b)(6) are you sure (b)(6) stated his comment this way or did he curse. (b)(6) stated that (b)(6) did say, "What the fuck are you doing here. You don't belong in here. Wait outside." I told (b)(6) was called to the Chief's club for official business. I asked (b)(6) if he thought (b)(6) was intoxicated. (b)(6) stated he thinks (b)(6) would have passed a Field Sobriety Test. I told him I know (b)(6) has a high tolerance for consuming alcohol and this was not the first incident involving (b)(6) and this behavior.

e. At approximately 0930, I met with (b)(6) (b)(6) (b)(6) and (b)(6). We talked behind closed doors for privacy. I stated to (b)(6) (b)(6) I recommend relieving (b)(6) as (b)(6) due to loss of confidence. I informed (b)(6) of the incident involving (b)(6) the previous night and gave him the complete history of previous incidents involving (b)(6) (b)(6) alcohol and his abuse of patrolmen while intoxicated

Subj: COMPLAINT OF WRONGS ICO (b)(6)
(b)(6) (b)(6)

(i.e. (b)(6) (b)(6) and (b)(6)
(b)(6) confirmed my report. (b)(6) was aware of the
command climate survey I requested to have done. (b)(6) is
assigned to NAS Fallon Security Detachment and is a member of
the Command Equal Opportunity Team. I asked (b)(6) to
coordinate with the Command Equal Opportunity (b)(6) (b)(6)
(b)(6) and conduct a survey of the morale of my department).
There were numerous independent comments on (b)(6) s
alcohol problem and abuse, such as:

1. "There have been numerous complaints on (b)(6)
(b)(6) at the security level and yet he still remains (b)(6)
(b)(6) He treats everyone at this command like crap, comes
to work hung over from alcohol and has shown up on scenes
drunk".

2. "I have been accused, threatened by (b)(6)
while he was drunk, in uniform and in public".

3. (b)(6) is more concerned about beer than
his people. I walked into his office and he an "arrogant
bastard ale" displayed on his desk for everyone to see. He also
never listens, nor would I want to tell him any problems for
fear of punishment".

4. (b)(6) is a burden to this Chain-of-Command"

5. "We have a chief who drinks then drives through the
gates, arrives on scenes and talks over the radio".

6. "I would also relieve (b)(6) of his duties.
The man has a drinking problem, when he passes down orders and
information; the first question asked is "is he a drunk"? I
have heard that question at least 150 times in the year that I
have been here".

I told (b)(6) with this recent incident and (b)(6)
(b)(6) s prior history, if no action was taken by the Chain
of Command, it would result in devastating the morale of the
Security personnel. (b)(6) (b)(6),
(b)(6) and myself agreed it would be in the
best interest of the Security Detachment to relieve (b)(6)
(b)(6) as the (b)(6) and provide him the treatment

Subj: COMPLAINT OF WRONGS ICO (b)(6)
(b)(6) (b)(6)

necessary to control his alcohol abuse. Additionally, we agreed (b)(6) s recommendation for (b)(6) must be removed and a special Fitness Report to document his removal as the (b)(6). I informed (b)(6) since I am (b)(6) direct supervisor, I will contact the Command DAPA (b)(6) to set up an interview with (b)(6) (b)(6) agreed with the course of action and the meeting adjourned. (b)(6) (b)(6) and myself agreed to meet at 1200 in the Security Building and brief (b)(6)

f. At approximately 1015, I met (b)(6) NAS Fallon DAPA, in his office behind closed doors for privacy. I told (b)(6) the information I am divulging is confidential and will not leave this office. (b)(6) acknowledged this and agreed. I informed (b)(6) of the incident involving (b)(6) the previous night. I also provided him information on the incident involving (b)(6) and (b)(6). I told (b)(6) that (b)(6) will be relieved of his duties as the (b)(6) (b)(6) appeared to be stunned. (b)(6) and (b)(6) are good friends and frequent the Chief's Club together. I told (b)(6) I know you are aware how much alcohol (b)(6) can consume. (b)(6) replied, "Yeah, (b)(6) can put it away". I told (b)(6) I want to provide (b)(6) the opportunity to receive alcohol treatment. I know (b)(6) has two little girls he thinks the world of and I don't want to see him leave them without a father due to his alcohol abuse. (b)(6) agreed. I told (b)(6) that this case will be particularly difficult for him since (b)(6) is his friend. (b)(6) said, "Yeah, this one will be difficult". But we agreed it will be in the best interest of (b)(6) to receive all the help he can to over come this problem. I told (b)(6) to expect to see (b)(6) about 1400.

g. At approximately 1200 I met (b)(6) (b)(6) (b)(6) at the Security Building. We moved to the Security Officer Conference Room and asked (b)(6) to come in. I was presented with one of the most difficult tasks I have ever faced in my naval career, relieving a Chief Petty Officer due to lack of confidence in his abilities to continue in his current position. I addressed (b)(6)

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(b)(6) (b)(6)

(b)(6) in a professional and business manner. I asked (b)(6) (b)(6) "What happened between you and (b)(6) last night"? (b)(6) stated he was at the Chief's Club for right hand man night and (b)(6) came in to the club around mid night and I asked him what are you doing here". I asked (b)(6) are you sure you put it that way or did you add "Fuck" in the sentence. (b)(6) reflected his thoughts for a moment and stated, "I did say to (b)(6) What the fuck are you doing in the Chief's Club. Patrolmen don't do walk throughs in the Chief's Club".

I asked (b)(6) if he remembers (b)(6) (b)(6) trying to explain to him he was at the Chief's Club to assist with a funds escort and securing the club. (b)(6) (b)(6) replied, "No". I informed his actions towards (b)(6) (b)(6) were received by him as hostile and he wrote a statement stating so. (b)(6) looked surprised.

I asked (b)(6) what time did he arrive at the Chief Club. (b)(6) replied, "About 1900. I was working late on the First Class Petty Officer evaluations". I asked him if (b)(6) was at the Chief's Club last night and he stated, "Yes". I asked him if he remembers (b)(6) coming up to him after he had made contact with (b)(6) and telling (b)(6) he hurt (b)(6)'s feelings. (b)(6) stated he did not remember that.

I asked (b)(6) how did he get home from the Chief's Club. (b)(6) stated he drove his personal vehicle home (Patrolmen on scene observed (b)(6)'s vehicle in the CPO Club parking lot and later observed it parked at his residence). I informed him (b)(6) stated you were too intoxicated to drive home and offered you a ride to your residence in base housing and you stated you would rather walk home in the cold than give the patrolmen more things to talk about.

I informed (b)(6) his alcohol use is affecting his performance at work. I asked him about why he came to work late on 8 November. He stated he was with his friends at the Chief's Club he had not seen in a long time. He stated he told (b)(6) (b)(6) at 1630 he was going to be late because he wanted to drink with his buddies he had not seen in a long time. (b)(6) told (b)(6) he will be at work

Subj: COMPLAINT OF WRONGS (b)(6)

(b)(6) (b)(6)

at 0730 and did not give him permission to come in late to work. (b)(6)'s prearranged plan was his own: to have late sleepers so he could sleep off an evening of drinking with friends. (b)(6) disregarded (b)(6) order to be into work at 0730.

I asked (b)(6) does he remember the conversation between (b)(6), you and myself on Wednesday, 13 November regarding the Command Climate Survey, particularly the comments the patrolmen stated about him and his alcohol problem. (b)(6) said, "Yes".

I asked (b)(6) if he remembers his previous verbal counseling for alcohol and abuse of authority with (b)(6). (b)(6) said, "Yes".

I informed (b)(6) due his alcohol problems and abuse of patrolmen, I was relieving him of his duties as (b)(6) due to lack of confidence and he will be reassigned to another department. (b)(6) was stunned and looked extremely shocked by my statement.

I informed (b)(6) he will see the Command DAPA, (b)(6) this afternoon for a DAPA screening. (b)(6) said, "Oh, alright, I know where this is going. I will go see (b)(6) and get into an ADAMS class right away". I told (b)(6) he does not meet the requirement for the ADAMS class and that he could be facing alcohol treatment Level II, possibly Level III. Again, (b)(6) was stunned and in shock. He pleaded with me not to relieve him of his duties, that he has never been fired from his any position and he would never drink again. (b)(6) continued to say that being fired from his position and being reassigned to another department was very difficult for his pride to handle and that he did not know how to process it. (b)(6) asked (b)(6) what did he exactly mean by that statement. (b)(6) stated he was not thinking suicidal thoughts, just being relieve will hurt his pride. I told (b)(6) his actions have brought this to be. I told him he should not plead to me for his job, but to the patrolmen who work for him.

At this point I asked (b)(6) to leave the conference room. I wanted a moment to speak with (b)(6)

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(b)(6)

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(b)(6)

(b)(6)

and (b)(6)

(b)(6)

walked out. (b)(6) looked me in the eye and stated, "If I did the exact same thing, I would expect you to relieve me. If (b)(6) is not relieved, it will tear apart the department". (b)(6) agreed.

There was no other course of action. I asked for (b)(6)

(b)(6)

to return to the Conference room.

I informed (b)(6) he is relieved from his duties as the (b)(6) due to lack of confidence. Additionally, (b)(6) has lost the confidence of the patrolmen due his alcohol abuse, intimidation and abrasiveness. (b)(6) (b)(6) stated a special Fitness Report will be done to document being relieved from his duties as the (b)(6) and possible administrative charges. I finished the meeting by informing (b)(6) he has the weekend to clean out his office and I will reconsider your relief of duty after he returned from alcohol treatment.

h. Past history.

1. On 13 November 2002, at approximately 0930 to 1430, (b)(6), (b)(6) and myself reviewed the results of the Command Climate Survey. We worked on several issues such as instituting Awards and Recognition programs, (i.e. Senior Patrolman of the Month, Patrolman of the Month, and Junior Patrolman of the Month), Department functions and/or parties, Management style, courses of discipline, Equal Opportunity, Retention, Training, Supplies and the several comments about (b)(6) and his alcohol use. This was the last topic of the day. (b)(6) and I addressed it together and verbally counseled (b)(6). We informed (b)(6) he is losing the confidence of his patrolmen with his actions and he had to work on gaining their trust. We reviewed the incident with him and (b)(6). (b)(6) (b)(6) assured us the solution was when he was on liberty he will call the Watch Commander on duty and inform them he would not be available and to call (b)(6) or the (b)(6) in case of any incidents on base. We discussed the some of the comments on the survey. Again, (b)(6) assured (b)(6) and myself there would be no future alcohol related incident involving himself. 36 hours later, (b)(6) called me at home regarding another alcohol related incident involving (b)(6).

Subj: COMPLAINT OF WRONGS ICO (b)(6)
(b)(6) (b)(6)

2 On 7 September 2002, at approximately 0730, (b)(6) (b)(6) informed me of an alcohol related incident involving (b)(6) and (b)(6). (b)(6) provided a Voluntary Statement (See enclosure 2). (b)(6) stated both verbally and in writing he was on duty on 6 September at approximately 2220 with (b)(6) (b)(6) and (b)(6) finishing transient barracks checks and decided to smoke a cigarette. (b)(6) approached them and corrected them for smoking in a non-designated smoking area. (b)(6) then addressed (b)(6) to follow him. (b)(6), (b)(6) and (b)(6) waited for (b)(6) near the patrol unit. (b)(6) wanted to talk to (b)(6) about the speeding ticket he received on his motorcycle.

(NOTE: (b)(6) purchased a motorcycle in April 2002. I have counseled him verbally and in writing about his excessive speed on base and off base. As a former motorcycle rider and trauma center employee, I know what happens to the human body when speed, metal and bone collide. I did not want to see (b)(6) leave his daughter without a father and was trying to reach him before it was too late. I found out (b)(6) was stopped for speeding and crossing the double yellow lane by a Storey County Sheriff. (b)(6) received a ticket 3 hours earlier for speeding. (b)(6) told the Sheriff he was an off duty patrolman with Naval Air Station Fallon Nevada. The Sheriff gave (b)(6) the option of receiving the ticket or gives him the name and number of his command. The Sheriff called (b)(6) and he notified me about the incident. (b)(6) told me (b)(6) was given the option of either receiving the speeding ticket or the Sheriff calling his chain of command. (b)(6) said the Sheriff has up to 365 days to write a ticket on this offense. I directed (b)(6) to call the Sheriff back and issue the ticket. No one in NAS Fallon Security Detachment is above the law and will be treated in the same manner as the general public is treated. Additionally, if I could not reach (b)(6) on this issue of excessive speeding and reckless driving on his motorcycle, maybe his insurance company can reach him. I had considered submitting to the (b)(6) revocation of (b)(6)'s base driving privileges, but decided this action would not be appropriate).

(b)(6) assured (b)(6) he was not speeding anymore. (b)(6) commented (b)(6) needs to knock his

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(b)(6)

shit off and stop getting into trouble. (b)(6) stated he noticed a shift in (b)(6) demeanor. (b)(6) stated he has 153 personnel working for him and each one of them has personal problems and what made (b)(6) so special.

At about this time, (b)(6) had noticed (b)(6)'s appearance and detected the smell of an alcoholic beverage on his breath and his person. (b)(6) wanted to be sure of this and he focused on (b)(6)'s appearance. (b)(6) was in his khaki uniform, zipper undone all the way, the bottom of his tee shirt sticking out and what appeared to be his underwear. (b)(6) thought (b)(6) was the CDO but realized (b)(6) would not do that.

(b)(6) then began to intimidate (b)(6) and persuade him to change rates and that he is not fit to be a (b)(6). (b)(6) told (b)(6) he wants to be an (b)(6). (b)(6) again stated to (b)(6) he is not asking him to change rates, but telling him to. (b)(6) stated (b)(6) told him he forgets who writes his transfer evaluation and based on that, there would be enough grounds to remove him from the (b)(6) rating. (b)(6) told (b)(6) he keeps forgetting who puts his name on his evaluation and send him off to his next command, especially since the OIC of (b)(6)'s next command is a close and personal friend of (b)(6). (b)(6) continued to threaten (b)(6) by sending a copy of his Division Officer record to his next command and that his transfer evaluation has his name, (b)(6), in the upper right side.' (b)(6) told (b)(6) how this would look when his new OIC would wonder how he let this "shit bag" transfer knowing what he was about.

(b)(6) continued to berate (b)(6). (b)(6) stated (b)(6) said when he gets to his new command he would not get a second chance and he would end up going to Courts-Martial and "do time". (b)(6) stated (b)(6) abuses his authority and bends the rules to make them work for him and he is teaching the new (b)(6) how to bend the rules to benefit them.

(b)(6) continued to push the issue about changing rates, and he never agreed with (b)(6) on his

Subj: COMPLAINT OF WRONGS ICO (b)(6)
(b)(6)

"fucking" conversion package, and that if it would have came across his desk, he would have tried to disapprove it. (b)(6) accused (b)(6) of being a "dirty cop" and he had a feeling about him. (b)(6) continued to state, "Do you really think you are the first person I have seen like you"? (b)(6) asked him how he came to this conclusion and (b)(6) stated, "That he was the Chief and I wasn't. He asks the questions around here and he doesn't have to answer mine".

(b)(6) changed subjects to (b)(6) relationship with (b)(6) USNR. (b)(6) asked (b)(6) if he was "fucking her"? (b)(6) told (b)(6) this was resolved. (b)(6) pursed his interrogation of (b)(6) with asking if he was divorced yet. (b)(6) said, "As a matter of fact the divorce papers are being mailed out tomorrow for me to file. (b)(6) asked, "Are you legally divorced" and (b)(6) replied, "No". (b)(6) said, "That's the shit I am talking about". (b)(6) continued to ask, "Are you fucking her"? (b)(6) said, "No, I am not fucking her. I talked with the (b)(6) and stopped whatever they thought was going on until my divorce is final". (b)(6) told (b)(6) he should do one of two things: change my rate and go to a boat or whatever it was that I came from, or "get the fuck out of the navy".

(NOTE: (b)(6) has modified his behavior and is on his way to being a model Sailor. His EVOC qualification has been re-instated, he is doing well as a Field Training Officer, mentoring junior personnel, and is on his way to a successful career in the Security field).

On 7 September 2002, (b)(6) spoke with (b)(6) and asked him what he wanted to do. She advised him he could bring him up on charges. (b)(6) requested we, his chain of command, handle the situation. I interviewed (b)(6) and asked him the same question and received the same answer. (b)(6) stated he would not go forward with reporting this incident if I made sure (b)(6) did not do this again. I told him I will talk to (b)(6)

On 7 September 2002, (b)(6) and I discussed this incident and I informed her I am losing confidence in (b)(6) as the (b)(6) due to his abusive behavior and alcohol related incidents.

Subj: COMPLAINT OF WRONGS ICO (b)(6)

(b)(6) (b)(6)

On 7 September, (b)(6) verbally counseled (b)(6) regarding this incident. (b)(6) told (b)(6) it does not matter what you say, you were intoxicated when you "counseled" a patrolman and you threatened a patrolman and you were in the wrong.

On 7 September 2002, I verbally counseled (b)(6) and told him I was stunned, shock, and disappointed a Chief Petty Officer would place himself in such a position. His actions were unwarranted and he embarrassed himself and the CPO community. I told (b)(6) he was wrong to counsel a subordinate while intoxicated and wrong for doing it in a public forum. (b)(6) acknowledged this and admitted he was wrong and was embarrassed of his actions and he promised me he would never do it again.

3. In August 2002, (b)(6) Command Investigator, was working a case involving allegations of sexual nature. (b)(6) notified NCIS, IAW SECNAVISNT 5520.3B. (b)(6) told this to (b)(6) (b)(6) became angry and started to yell at (b)(6). (b)(6) reported this incident the next day to (b)(6) and requested she mediate during his conversation with (b)(6) about the incident.

2. In summary, (b)(6) is a hard working Chief who stays after hours, working on evaluations, awards, and reports vital to the Security Detachment. However, his history of alcohol abuse, intimidation and abuse of junior personnel cannot be tolerated. He has been verbally counseled by myself and (b)(6) and each time. (b)(6) promised it would not happen again. (b)(6) s actions left no other alternative but to recommend to the (b)(6) his immediate relieve from his duties as (b)(6) due to lack of confidence.

(b)(6)

16DEC02

From: (b)(6)
To: (b)(6) Navy Region Southwest
Via: (b)(6) Naval Air Station Fallon, NV

Subj: CIRCUMSTANCES ICO REMOVAL OF (b)(6)
POSITION AS (b)(6)

(b)(6) was relieved of duties due to three incidents with junior personnel and involvement of alcohol. The first incident in July 2002 was when (b)(6) Security Detachment Command Investigator, entered my office and requested I come with him to (b)(6) office to discuss an issue that had occurred by phone. (b)(6) confronted (b)(6) in regards to a phone call that (b)(6) made to (b)(6) concerning a case. (b)(6) informed (b)(6) that he was upset because (b)(6) had berated him on the phone and it was obvious that the chief was intoxicated at the time. (b)(6) asked (b)(6) how he knew that he (Chief) was intoxicated. (b)(6) became upset and stated words to the effect, "C'mon Chief, I'm not stupid and we both know you were highly intoxicated!" (b)(6) became very red in the face and quit talking. (b)(6) also stated that he felt as though he was walking on eggshells and in fear that he was to be fired from his position. (b)(6) desired to clear the air, and determine if (b)(6) was going to relieve him because of the impression he was given by (b)(6) on the phone. (b)(6) was very upset about the manner in which he was treated by (b)(6) and in fear of reprisals. (Enclosure 1)

The second incident occurred on 06SEP02 with (b)(6) while he was in a duty status (Enclosures 2-5). I read (b)(6)'s statement and talked to him about the incident. I asked (b)(6) what he wanted done. (b)(6) stated that he did not want to press legal charges, but he wanted to be assured that his evaluation would not be affected and that no reprisals would occur. I assured him this would not happen. I talked to (b)(6) concerning the incident and he informed me that he also talked to (b)(6) and had guaranteed him that an incident like this would not occur again and no reprisals against him would be tolerated. I verbally counseled (b)(6) concerning his intoxication and behavior of the previous night. (b)(6) admitted he made a huge mistake and stated that nothing like this would ever happen again in the future.

The third incident occurred with (b)(6) (Enclosures 6, 1). I received a phone call at approximately 0200, 15NOV02, from (b)(6). He stated to me, "Remember what happened with me and Chief? Well, it happened again with (b)(6) and he wants to turn his gun in and quit the Security Detachment. (b)(6) was extremely intoxicated." or words to that effect. I told (b)(6) to get a statement from (b)(6) and have him meet me in my office at his convenience. At approximately 0230, I called (b)(6) back to get more details and he

9
Enclosure (10)

informed me that he talked to (b)(6) after the incident with (b)(6). (b)(6) stated (b)(6) (b) was highly intoxicated and was rambling on about the Command Assessment Survey. (b)(6) offered (b)(6) a ride due to his level of intoxication, but (b)(6) refused stating it was a setup. I called (b)(6) and informed him of the situation. I arrived for work at approximately 0715, 15NOV02 and met with (b)(6). I read his statement and talked with him. I asked him what he wanted done and he stated that he did not want to pursue legal action, but he did not feel comfortable having any dealings with (b)(6) ever again, and was in great fear of reprisals. (b)(6) then went to talk with (b)(6) while I went to a Sailor of the Quarter board. At the Sailor of the Quarter board, I informed (b)(6) of the incident. After the board (b)(6) (b)(6) and I met with the (b)(6) (b)(6) and informed him of the situation. The (b)(6) (b)(6) was TAD. We were all in total agreement that (b)(6) was to be relieved of his duties immediately. (b)(6) also informed me that (b)(6) (b)(6) had talked to him after he was finished talking to (b)(6) (b)(6) (b)(6) informed me that (b)(6) was extremely upset, as (b)(6) had assured him this type of incident would never happen again.

In regards to the Redress of Wrongs submitted by (b)(6):

- On page 3, (b)(6) states I said, "I told you that!" to (b)(6) concerning his coming in late the previous Friday. I did say that in reference to when (b)(6) asked me when (b)(6) was the previous Friday. I informed (b)(6) that after a Chief Petty Officer Association meeting on Thursday afternoon, I talked to (b)(6) at the bar area before I left. (b)(6) (b)(6) told me that he was meeting with old shipmates that night. I was joking with him and told him not to party too much, and not to be late for work. (b)(6) (b)(6) responded with words to the effect of, "Hey, I'll be out late with my old shipmates." When I asked (b)(6) about it when he showed up the next day, he stated that he took our kidding around as permission to be late, .
- On page 4, (b)(6) states (b)(6) stated "...frankly, the Patrolmen hate you...". I have no recollection of (b)(6) ever stating this. What I do remember is (b)(6) stating to (b)(6) that the patrolmen have lost confidence, trust and respect for him.
- On page 7, (b)(6) states I told him (b)(6) did not want to push the issue. What I told (b)(6) was that (b)(6) did not want to take legal action, but wanted assurance that some action would be taken. I did not tell (b)(6) that (b)(6) wanted to bring him up on charges. I told him that (b)(6) confronted (b)(6) since (b)(6) (b)(6) had assured him this type of incident would not happen again. I did inform (b)(6) that (b)(6) and (b)(6) could go to legal to press charges against him if they desired to. I also did not state (b)(6) was

worried, in fact, I told him (b)(6) and I were in complete agreement as to going to the (b)(6) and relieving him of duty.

- On page 9, (b)(6) states I told him that (b)(6) doesn't like him. I may have said words to this effect, but I also informed him it wasn't a personal issue, it was caused by his off duty behavior.
- On page 10, (b)(6) states Patrolmen informed him (b)(6) said because he was relieved, things would start getting better. I was present at the meeting. I was the one who informed everyone that (b)(6) was relieved of his duties. I also talked about the Command Assessment Survey and how a lot of changes would be occurring after reading the results. I assured the department that the survey was being closely looked at and things would start getting better. (b)(6) (b)(6) barely made reference to (b)(6) being relieved.
- On page 12, (b)(6) states one of the reasons for his being relieved was an incident with a pool stick. This was not one of the reasons.
- On page 17, (b)(6) states he tells Patrolman to contact me if he has been drinking. No one has ever called me and stated (b)(6) told him or her to call me because he was drinking.
- On page 17, (b)(6) states a substandard investigation was conducted. After the incident with (b)(6) I verbally counseled (b)(6) and informed him that incidents of this nature would not be tolerated. After talking to (b)(6) and (b)(6) there was enough justification to relieve him.

(b)(6) was relieved due to the three incidents I stated. On 13NOV02, (b)(6) (b)(6) and myself had an approximately 4 hour meeting discussing the results of the Command Assessment. The last thing we discussed was the perception of the patrolman in regards to (b)(6) (b)(6) told him that he had some work to do to change the perception of Security personnel as they had stated they did not have faith in him and did not trust him. (b)(6) further informed (b)(6) that the perception was that he had an issue with alcohol and he needed to work on this issue also.

Very Respectfully,

(b)(6)

During the month of July working in Investigations, I received a complaint about service members involved in sexual relations with under age females on base NAS Fallon Nevada. I followed proper protocol and notified (b)(6) the acting (b)(6) (b)(6) (b)(6) instructed me take a statement from the females and to notify NCIS due to the females being under age. I received a written statement from the females and notified NCIS of their statements and for further instructions on the matter. NCIS instructed me that he would assume the case. I notified (b)(6) that NCIS had taken the case. At that time (b)(6) became upset with me due to the fact that I notified NCIS without his permission. I told (b)(6) that he had advised me to notify NCIS. He started to become very insulting over the phone. I asked (b)(6) (b)(6) have you been drinking because I told you what was going on and you told be to call NCIS. (b)(6) replied what does that have to do with anything. at that time the phone call ended. (b)(6) called back and talked with (b)(6) stating to her that we were all messed up. During the conversation with (b)(6) he would repeat himself over and over again with a slurred speech.

During the month of November working as Alpha Section Watch Commander, I received notification to go to he Chiefs Club and meet with (b)(6) I arrived at the Chiefs Club and met with (b)(6) who stated that he had enough of (b)(6) and he wasn't going to take it any more. I asked where (b)(6) was, he stated inside the Club. I walked up to the door and met with (b)(6) who stated (b)(6) was inside the club having an argument with a Second Class Petty Officer over his tattoos. I asked (b)(6) if he could get (b)(6) out from the bar. (b)(6) walked outside and stated what the fuck are you doing here. I stated that (b)(6) called me here. (b)(6) asked why (b)(6) (b)(6) (b)(6) was doing sitting by the patrol unit, (b)(6) stated to (b)(6) (b)(6) you hurt his feels, (b)(6) states what? (b)(6) states again you hurt his feelings (b)(6) never acknowledged with an answer. I asked (b)(6) (b)(6) if he was going home and if he would like a ride because I could smell the strong odor of alcohol coming from him, (b)(6) also had slurred speech and was rocking back and fourth. (b)(6) stated that he would rather walk home than receive a ride because it would just turn into another alcohol incident for the patrol sections to talk about. (b)(6) then started talking about the equal opportunity report that was turned in. He stated that he was burned on the report and that the people who turned him in where the people that had been inside his office two or three times for being in trouble. The conversation lasted about thirty to forty minutes with (b)(6) repeating himself over and over again about the command and the personnel in the command, his dislikes, and how it's important to be a good leader. I ended the conversation and went back on patrol.

(b)(6)

6 Dec 02

COMMANDER NAVY REGION SOUTHWEST VOLUNTARY STATEMENT

FOR OFFICIAL USE ONLY
COMMANDER NAVY REGION SOUTHWEST
CRIMINAL INVESTIGATIONS DIVISION
STATEMENT OF (b)(6)
PAGE (1) OF (3)

(b)(6) for identification purposes I am a white Male, 77" tall, 145 pounds, blonde hair and green eyes. I was born on (b)(6) in (b)(6) California. I currently work at NAS Security, department Fallon Nevada. I live in BRKS #9 (b)(6) My home phone number is (b)(6) (cell) (b)(6)

(b)(6) At approximately 2220, on September 6, 2002, while conducting a transient barracks walk-thru, with (b)(6) (b)(6) and (b)(6) (ASF), were approached by (b)(6) (b)(6) asked us why we were smoking in public. (b)(6) told (b)(6) that we had just finished our walk-thru and everything was quiet so we stopped to smoke before we get back in our vehicle and continue patrolling. (b)(6) asked if we thought that was wrong. (b)(6) said "I guess it is, but I didn't see anything wrong at the time." (b)(6) said, "I could understand if you were around the corner or something, but not where everybody could see you." (b)(6) asked who the senior person was in our group. (b)(6) said, "I am." (b)(6) asked (b)(6) "do you see anything wrong with this?" (b)(6) said, "No I don't." (b)(6) continued on about the issue, but since he was addressing (b)(6) really didn't hear the rest of the conversation in full completion. (b)(6)

(b)(6) At approximately 2230, (b)(6) addressed me by asking me to follow him. I walked with (b)(6) approximately twenty (20) feet and then we stopped to talk. (b)(6) told me he wanted to talk to me about my "ticket" I had signed (the one from the Storey County Sheriffs office), (About that time (b)(6) told me that "they" were going to be waiting for me in the unit. I told him I would be there in a few minutes), I said, "ok." (b)(6) said, "the one" (the ticket) the command had forwarded. I said, "ok." (b)(6) told me that he just wanted to let me know that he had not forwarded it back to the officer. (b)(6) said he really didn't agree with the commands decision on that matter and that he was "sitting on a fence post." (b)(6) said, "I am not here to fuck your career." (b)(6) said the ticket was still on his desk, and that he was not forwarding it. (b)(6) told me he didn't want my insurance to be messed up. I kind of chuckled when he said that. I told (b)(6) that I appreciated what he had done about that, but I had went and paid my ticket on Tuesday (September 3, 2002) because I was in the area where I was supposed to pay for it. I explained the difficulty I had paying for it, because they didn't have the ticket on file. I said, "I guess that explains that." (b)(6) told me I needed to knock my shit off (meaning the things I was doing that was getting me in trouble). I told him I had that I am not speeding around anymore; I wear the items I am supposed to, that I was just cruising. (b)(6) said that that also included wearing a lightly colored long-sleeved shirt during the daytime. I looked at him with a dumbfounded look. It was about that time that I noticed a "Dr Jeckel and Mr. Hyde" change in (b)(6) demeanor. (b)(6) tried to explain to me that he has one hundred and fifty-three patrolmen in his department. I told him I knew that. (b)(6) then told me that every one of them has personal problems and if he spent on (1) hour a day seven (7) days a week it would take him almost six (6) months to talk to everyone. I told him that I agreed with his statement. (b)(6) then asked me why I thought I was special. I told him I did not think that way. (b)(6) asked me why it is that he constantly has to talk and counsel me then. I told him I really didn't know why, and that he was the last person that I try to talk to about anything. (b)(6) asked me why I riding in my camouflage uniform with my web belt and my sleeves rolled up. Before I could answer him he said something to the effect of, do you think you are above the law? I said, "No I don't." (b)(6) asked me what I thought about being seen by somebody while riding my motorcycle like that. I told him I didn't think about it. (b)(6) asked me why I was doing that (not having my sleeves down). I told (b)(6) that the reason I didn't have my sleeves down was because I was on my way to work and didn't want to have to roll them up when I got to work, because it takes me a long time and I wanted to be ready for work when I got there. (b)(6) asked me what the rules were for riding on base. I told him (b)(6) what the instruction says to have on while riding a motorcycle on a military base. When I got to the part (b)(6)

(b)(6) about wearing a long-sleeved shirt (b)(6) asked me what that meant. I said, "a long-sleeved shirt." I told him I understand what they mean by that, but I didn't say they had to be down (sleeves), so I didn't see anything wrong with that. (b)(6) asked me, "So you read the letter of the law?" I said "yes."

(b)(6) asked me if I knew what the intent of that law was. I said, "Yes I do." (b)(6) told me that "he" didn't need people like me out patrolling his base and up holding the rules of the base. (b)(6) told me that there were plenty of sailors out there that try to get out of trouble based on the "letter of the law". It was about then that I noticed his appearance. (b)(6) was in his "kakis"; I thought he was the CDO for the day. After further observation of this I noticed his zipper on his pants was down all the way, the bottom part of his t-shirt was sticking out, and what appeared to be his underwear showing. At that point I really didn't think a whole lot of it, but then I noticed a smell of an alcoholic beverage on his breath. I wanted to make sure of this, because there were people on the second deck and people walking by. I wanted to make sure the smell was coming from him, so I concentrated on making sure of that. After a few minutes I was sure that the smell in fact was coming from him. I didn't want to say anything about it to him until I had absolute proof of him drinking at least one (1) alcoholic beverage prior to talking to me. I also realized that he was not the CDO. (b)(6) asked me if I had thought about changing my rate to something other than the (b)(6) rating. I said, "No I haven't. This is the only thing I want to do." (b)(6) said, "I am not asking you to, I am telling you to." Once again I told him I didn't want to. (b)(6) told me that I keep forgetting that he is doing my transfer evaluation, and that based on that it would be grounds enough to have me removed from the (b)(6) rating. (b)(6) asked me if I thought he was going to allow anybody to transfer out of his Command especially to a place where one of his "best friends" was the OIC. I said, "I don't know." (b)(6) told me not to think that I was going to leave this command with a "clean slate". (b)(6) asked me how it would look on him if he let me transfer knowing the way I was, and when I got there I continue doing the things I was doing here that my new OIC would look at my last eval and in the top right corner it would say (b)(6). (b)(6) asked me how that would look when my new OIC sees this and says, "how could he let this "shit bag" transfer here knowing what he was about. (b)(6) told me he would not let that happen and that he would hold on to my division officer's folder and forward it to my new OIC. (b)(6) said he did not want to look bad. (b)(6) asked me if I thought, if I was the Chief would I honestly want somebody "like me" taking around his five (5) MASR's and training them. I told him that I would. (b)(6) said that I abuse my authority by trying to bend the rule to work for me, and. (b)(6) asked me how I would want that (me training new people). I told him that I feel I have a lot to offer the "new people" coming in. (b)(6) told me that I bend the rules and read the letter of the law to benefit me. He accused me of teaching them how to bend the rules to benefit them. I told him he was wrong and that at no time had/have/or will use my authority to benefit me in any way shape or form. I also told him that I do not train that way. I teach them the right way every time and that he could ask anybody who has ever been trained by me and they would agree. Once again (b)(6) asked me if I had thought about changing rates. I told him no and that I wasn't going to. (b)(6) told me I should. (b)(6) told me that when I get to my new command that I would not get a second chance and that I would end up going to a courts-martial and "do time". (b)(6) told me that he never agreed with my "fucking" conversion to begin with. That he didn't know what (b)(6) he left out (b)(6) and I were doing, but that it was something he and (b)(6) had worked out behind him and that it never came across his desk. (b)(6) told me that if it had come across his desk that he would have tried to disapprove it. I asked him how he came up with that deduction. (b)(6) told me that he knew I was and was going to be a "dirty" cop from the get go. I asked him, "How do you figure?" (b)(6) said, "I just had a feeling." I asked (b)(6) what I did back then to give him that feeling. (b)(6) asked me, "Do really think you are the first person I have seen like you? I have been in this rate for a long time, and I can feel these things." I asked him again what it was that I had done to give him these feelings. (b)(6) told me that I failed to see the picture. That he was the chief and I wasn't. He asks the questions around here, and he doesn't have to answer mine. At that time I kind of had an idea what was happening and I explained to him, that he had asked me a question and because of the way I answered it he was pissed. So I once again explained why I had rode my motorcycle the way I did. (b)(6) asked me if we were at an understanding. I told him we were. (b)(6) then brought up the "old" story about my relationship with (b)(6). I told him that that had been resolved. He asked me if I was divorced yet, and I told him, "as a matter of fact the divorce papers are being mailed out tomorrow for me to file." (b)(6) said, "Are you legally divorced yet?" I said, "no." (b)(6) said, "That's the shit I am talking about." I told him that after I had had the last talk with the (b)(6) had stopped whatever they thought was going on. (b)(6) said, "are you fucking her?" I said, "No, I am not "fucking" her." (b)(6) looked at me with (b)(6)

(b)(6) a look like he couldn't believe I had said that. So I told him once again that after talking to the (b)(6) I had stopped what it was they thought was going on until my divorce was final. (b)(6) then asked me why it was that the following day I was seen in the bowling alley on base with her. I told him we were hanging out, and that there were people there besides just "us" (myself and (b)(6)). (b)(6) asked me if we were clear as to what was going on. I told him we were. (b)(6) asked, "So as of right now we won't hear about this again?" I said, "yes." (b)(6) asked me again if I was thinking about changing my rate. I told him no again. (b)(6) told me I should do one of two (2) things: 1) change my rate and go to a boat or wherever it was that I came from, or 2) direct quote, "get the fuck out of his navy". I told him I was not going to, but that I wasn't doing anything wrong anymore. (b)(6) asked me if we were still clear and I said, "we are crystal fucking clear". (b)(6) asked if we were clear and I told we were. (b)(6) then told me to "carry on". So I did. (b)(6) End of Statement (b)(6)

This statement is sworn to and subscribed before me this 6th day of September 2002, consisting of (3) pages type by (b)(6) as we discussed the contents. This statement is true and accurate to the best of my

(b)(6)

Date: 6 SEP 02

Time: 1531

(b)(6)

Date: 6 SEP 02

Time: 1531

16 December 2002

In September while on patrol, myself, (b)(6), (b)(6) and (b)(6) were in the transient barracks centercore when (b)(6) approached us. Due to his speech and manner he appeared to be intoxicated and appeared to be walking from the CPO Club. He was in uniform, and I didn't notice if it was out of order.

He spoke to all four of us at first. It appeared to be a reprimand, but then he would say something like "I don't really give a f*&k". I was not sure what to make of it, and neither were the others. (I asked them about it later) (b)(6) then stated that he wanted to talk to (b)(6) alone. He took (b)(6) over near one of the posts next to the barracks rooms, still within sight of me. I heard very little of the conversation. I did hear something that lead me to believe this was about his motorcycle ticket. (I can't remember what it was, but I do remember talking with (b)(6) later about it) I noticed body language change during the conversation (expressions and jerking hand motions) that lead me to assume that it had turned into a reprimand. I did hear (b)(6) say something along the lines of "Stop acting stupid I know you know what I'm talking about" (that is not an exact quote).

We waited on (b)(6) for approximately 15 minutes. Then (b)(6) proceeded in the direction of the galley.

I asked (b)(6) about what happened and he told me that (b)(6) had threatened to take his (b)(6) eating from him because he didn't deserve to be in his rate, and that he was a sh*&ty (b)(6)

This is all I recall of that incident, and my conversation with (b)(6).

(b)(6)

(b)(6)

(b)(6)

16 Dec 02

OPTIONAL FORM 90 (7-80)		# of pages 1	
FAX TRANSMITTAL		(b)(6)	
To (b)(6) (b)(6)	From (b)(6)		
Dept./Agency	Phone #		
Fax #	Fax #		

N3N 7510-01-317-7368 5098-101 GENERAL SERVICES ADMINISTRATION

ENCLOSURE 3

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE: SUB STATION
NAVAL AIR STATION, FALLON NEVADA

2. DATE: 15DEC02

I, (b)(6), SS# (b)(6), attached to NAS FALLON, EXT. (b)(6) residing at (b)(6) PHONE # (b)(6), make the following free and voluntary statement to (b)(6), whom I know to be a (b)(6) with NAS Fallon Security Department. I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of WHITNESSING AN ARGUMENT BETWEEN (b)(6) AND (b)(6) AT 22:20. For identification purposes I am a WHITE FEMALE, with (b)(6) hair and (b)(6) eyes. I am (b)(6) ft. (b)(6) in. tall and weigh (b)(6) lbs. I was born on (b)(6) in (b)(6) IN (b)(6). I (b)(6) and the Navy in (b)(6) and currently assigned to NAS FALLON.

ON THIS DAY 6 OF SEPTEMBER I WAS DOING A WALK THROUGH OF PLANET X WITH PATROLMAN (b)(6), (b)(6) AND (b)(6). WE CONTINUED ON FOR A WALK THROUGH AT THE TRANSINT BARRAKS. WHEN WE WERE FINISHED WE STOPPED TO SMOKE IN THE COURTYARD SMOKEIT. WHILE WE WERE SMOKING (b)(6) APPROACHED US AND KIND OF STOOD BACK AND WATCHED US FOR A MINUTE. HE WAS IN HIS KHAKIS AND HIS PANTS ZIPPER WAS DOWN. I DIDN'T KNOW WHAT WAS GOING ON. HE LOOKED A LITTLE DISTRAUGHT. (b)(6) THEN SAID, "HOW ARE YOU CHIEF." CHIEF REPLIED BACK WITH, "WHO IS THE MOST SENIOR PERSON HERE?" (b)(6) SAID, "I AM CHIEF." CHIEF ASKED IF WE SAW ANYTHING WRONG WITH THIS PICTURE. WE ALL SAID NO, WE WERE A LITTLE CONFUSED ABOUT WHAT WAS GOING ON. THEN CHIEF ASKED IF WE THOUGHT THERE WAS ANYTHING WRONG US SMOKING IN PUBLIC EYES, WE ALL AGREED THE ANSWER WAS NO BECAUSE WE WERE IN A SMOKING AREA. CHIEF THEN SAID "IF YOU ARE SO STRONG IN YOUR CONVICTIONS." THEN AS WE WERE ALL DEPARTING (b)(6) (b)(6) PULLED (b)(6) TO THE SIDE. AS WE WALKED TOWARDS THE UNIT I HEARD (b)(6) GETTING LOUD WITH (b)(6) AS I TURNED AROUND ALL I SAW WAS (b)(6) YELLING AND THROWING HIS ARMS AROUND TOWARD (b)(6) I DIDN'T REALLY LISTEN TO THE CONVERSATION BECAUSE I DIDN'T FEEL IT WAS MY PLACE. THE ONLY REACTION (b)(6) REALLY GAVE WAS JUST NODDING HIS HEAD EVERYONE IN A WHILE. (b)(6) REMAINED REALLY CALM THE WHOLE TIME. WE WATCHED THIS FOR AT LEAST A HALF AN HOUR BEFORE WE WERE CALLED FOR SHIFT CHANGE (b)(6)

END OF STATEMENT (b)(6)

The above statement consisting of 1 page(s) was handwritten by (b)(6) in the presence of (b)(6) as we discussed its contents. All corrections have been initialed.

Subscribed to and sworn before me on this
Date: 15DEC02 at Time: 1537

I swear/affirm that this statement is true and complete to the best of my knowledge and belief.

(b)(6)

(b)(6)

Initial

(b)(6)

VOLUNTARY STATEMENT

2. DATE: 15 DEC 02

I, (b)(6), SS# (b)(6), attached to NSAWC, EXT. (b)(6) residing at (b)(6) PHONE # (b)(6) make the following free and voluntary statement to (b)(6), whom I know to be a (b)(6) with NAS Fallon Security Department. I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of WITNESSED ARGUMENT BETWEEN (b)(6) AND (b)(6). For identification purposes I am a WHITE FEMALE, with (b)(6) hair (b)(6) eyes. I am (b)(6) ft. (b)(6) in. tall and weigh (b)(6) lbs. I was born on (b)(6) in (b)(6) ME. I entered the Navy in (b)(6) and currently assigned to NSAWC.

ON THIS DAY 6 SEPTEMBER 2002 I WAS SERVING MY MONTHLY ASE WATCH. THE FIRST HALF OF THE NIGHT I SPENT ON PATROL WITH (b)(6) (b)(6) (b)(6), AND (b)(6) TOWARDS THE END OF THE FIRST HALF OF MY WATCH WE DID A WALK THROUGH OF THE "PLANET X" AFTER WE COMPLETED THAT THE FOUR OF US CONTINUED ON TO THE TRANSIENT BARRAKS WHERE WE COMMENCED A WALK THROUGH. WE ENTERED THROUGH THE BACK BY THE "PLANET X" PARKING LOT AND CONTINUED INTO THE COMMON AREAS, WHEN WE FINISHED WE STOPPED TO SMOKE IN THE COMMON AREA SMOKE PIT. WHILE WE WERE SMOKING WE SAW (b)(6) APPROACHING. WHEN HE CAME TOWARDS US HE JUST STARED. HE STOPPED AND STOOD AWAY A LITTLE. HE CONTINUED TO STARE SO WE SAID HELLO TO HIM. THEN I NOTICED HIS PANTS ZIPPER WAS DOWN AND HE WAS A LITTLE STANDBEISH, LIKE HE DIDNT WANT TO TALK TO US. HE WAS ALSO IN HIS KHAKIS WHICH SEEMED QUITE ODD FOR THAT TIME OF NIGHT. WHEN HE ENTERED THE BARRAKS IT WAS FROM THE SIDE ADJESNT TO THE CPO CLUB. WE STOOD THERE FOR A MINUTE AN CHIEF SUDDENLY ASKED. WHO IS THE SENIOR PERSON HERE? (b)(6) RESPONDED SAYING THAT HE WAS. CHIEF CONTINUED BY ASKING "DO YOU THINK THERE IS ANYTHING WRONG WITH THIS SITUATION. WE LOOKED AT EACH OTHER CONFUSED AND (b)(6) ANSWERED NO. CHIEF THEN ASKED US IF WE SHOULD BE SMOKING HERE. (b)(6) THE FOUR OF US AGREED THAT IT WAS APPROPRIATE, WE WERE IN A DESIGNATED SMOKING AREA AND WE WERE THE ONLY ONES AROUND. CHIEF DISAGREED. WE STOOD

The above statement consisting of 2 page(s) was handwritten by (b)(6) in the presence of ITZ BERRY as we discussed its contents. All corrections have been initialed.

Subscribed to and sworn before me on this
Date: 15 DEC 02 at Time: 1535

I swear/affirm that this statement is true and complete to the best of my knowledge and belief.

Initials (b)(6)

VOLUNTARY STATEMENT

Continuation of Statement (b)(6), SSN# (b)(6) Page 2

(b)(6)
THERE FOR AWHILE NOTHING SAID, JUST A LOT OF TENSION. CHIEF THEN SAID TO US THAT AS LONG A WE'RE STRONG IN OUR CONVICTIONS HE DIDNT CARE. WE THEN STARTED TO WALK OUT TOWARDS THE UNIT WHEN CHIEF CALLED (b)(6) OVER AND THE THREE OF US CONTINUED TO WALK. CHIEF PROCEEDED TO REPRIMAND (b)(6) FOR NO APPARENT REASON. WE DIDNOT HEAR OR SEE (b)(6) RESPOND NEGATIVELY HE JUST NODDED HIS HEAD. WE CONTINUED TO THE UNIT WHERE WE WAITED FOR ATLEAST 30 MINUTES FOR (b)(6) (b)(6) WE COULD HERE CHIEF YELLING. IT WAS TIME FOR SHIFT CHANGE SO WE HAD TO LEAVE. I CONTINUED MY NIGHT ON MAIN GATE AND HEARD NOTHING MORE OF IT UNTIL A COUPLE OF DAYS LATER SOMEONE (WHOM I CANT REMEMBER) MENTIONED TO ME THAT CHIEF HAD BEEN DRINKING AT THE CPO CLUB THAT NIGHT (b)(6)

END OF STATEMENT (b)(6)

The above statement consisting of 2 page(s) was handwritten by (b)(6) the presence of (b)(6) as we discussed its contents. All corrections have been initialed.

Subscribed to and sworn before me on this

Date: 15 DEC 02 at Time: 1535

I swear/affirm that this statement is true and complete to the best of my knowledge and belief.

(b)(6)

Initials (b)(6)

My name is (b)(6). Today at 0015 a call came over the net for a patrol unit to go and secure to CPO club. I answered up as A-8 to take the call. I went over to the CPO club and walked into the club. I went up to the bar tender and was told by her to go check the three doors that were behind me and then go into the kitchen and check the door in the back and also to check door that is in the poolroom. As I went around the club checking the doors, and then went back up to the bar. As I was waiting on the last of the occupants to leave, (b)(6) and (b)(6) her husband asked me how I was doing. I walked over a little closer and told her that I was doing ok and that I was almost done with the motor that I was working for a friend of mine. We talked about the motor for a few minutes and then I heard the bar tender say that it was time to leave. I saw (b)(6) roll his sleeves down and head toward the door. I then proceed toward the other end of the bar and stood with my back to the wall of the poolroom. I over heard (b)(6) talking to some other second-class about responsibilities. As I stood there a little longer (b)(6) said to the other second class something about the tattoos on his neck and how proud his mother must be because of them. Then chief looked over to me and asked what the f@#k I was doing there. I replied that I was called over to the CPO club by central. The bar tender even told chief as well that she had called for security to come and ensure that the lock up was done and that the 10-30 was done upon closure. Chief then told me to leave the club I had no reason to be in there. I walked out side and called for my watch commander to come over and take care of the problem. When the watch commander got there I told (b)(6) that I was told that I had no reason to be there by chief and that I was not going to deal with it. I was told to wait by the car. (b)(6) then walked up to chief and started to talk with him. From where I was standing I could here chief say that because people had gotten in to trouble we were all out to get him. I was not there to bust him for drinking. I know that I have been in trouble but I was not mixing up work and personal life issues. I was there to close the club. I had a reason to be in the club and I was there on an official reason. I feel that because of my past personal troubles I was being punished and I was not being allowed to do the job I was sent there to do. In talking with (b)(6) and (b)(6) after the incident I was then informed that chief did not even remember that I was in the club or that he had told me I had no reason to be there. I did take this as an attack on my self. I feel that being here any longer will do me no good that I will not be of any help. I feel no reason to be armed up and I don't want to carry this weapon any more. I feel that I could be a better sailor back at sea. Knowing my past history with the mistakes that I have made, I feel that I will no longer be able to this serve this command in a matter that is needed. I know that I did good at sea and wish to return as soon as possible.

(b)(6)

Enclosure (10)

16 December 2002

In September while on patrol, myself, (b)(6), (b)(6) and (b)(6) were in the transient barracks centercore when (b)(6) approached us. Due to his speech and manner he appeared to be intoxicated and appeared to be walking from the CPO Club. He was in uniform, and I didn't notice if it was out of order.

He spoke to all four of us at first. It appeared to be a reprimand, but then he would say something like "I don't really give a f*&k". I was not sure what to make of it, and neither were the others. (I asked them about it later) (b)(6) then stated that he wanted to talk to (b)(6) alone. He took (b)(6) over near one of the posts next to the barracks rooms, still within sight of me. I heard very little of the conversation. I did hear something that lead me to believe this was about his motorcycle ticket. (I can't remember what it was, but I do remember talking with (b)(6) later about it) I noticed body language change during the conversation (expressions and jerking hand motions) that lead me to assume that it had turned into a reprimand. I did hear (b)(6) say something along the lines of "Stop acting stupid I know you know what I'm talking about" (that is not an exact quote).

We waited on (b)(6) for approximately 15 minutes. Then (b)(6) proceeded in the direction of the galley.

I asked (b)(6) about what happened and he told me that (b)(6) had threatened to take his (b)(6) rating from him because he didn't deserve to be in his rate, and that he was a sh*&ty (b)(6)

This is all I recall of that incident, and my conversation with (b)(6)

(b)(6)

NASF SEC/DET

(b)(6)

(b)(6)

(b)(6)

16 Dec 02

11
Enclosure (12)

VOLUNTARY STATEMENT

2. DATE: 15 DEC 02

I, (b)(6), SS# (b)(6), attached to NSA WC, EXT. (b)(6), residing at (b)(6), PHONE # (b)(6), make the following free and voluntary statement to (b)(6), whom I know to be (b)(6) with NAS Fallon Security Department. I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of WITNESSED ARGUMENT BETWEEN (b)(6) AND (b)(6). For identification purposes I am a WHITE FEMALE, with (b)(6) hair and (b)(6) eyes. I am (b)(6) in. tall and weigh (b)(6) lbs. I was born on (b)(6) in (b)(6) ME. I entered the Navy in (b)(6) and currently assigned to NSA WC.

ON THIS DAY 6 SEPTEMBER 2002 I WAS SERVING MY MONTHLY ASE WATCH. THE FIRST HALF OF THE NIGHT I SPENT ON PATROL WITH (b)(6) (b)(6) AND (b)(6) TOWARDS THE END OF THE FIRST HALF OF MY WATCH WE DID A WALK THROUGH OF THE "PLANET X" AFTER WE COMPLETED THAT THE FOUR OF US CONTINUED ON TO THE TRANSIENT BARRAKS WHERE WE COMMENCED A WALK THROUGH. WE ENTERED THROUGH THE BACK BY THE "PLANET X" PARKING LOT AND CONTINUED INTO THE COMMON AREAS, WHEN WE FINISHED WE STOPPED TO SMOKE IN THE COMMON AREA SMOKE PIT. WHILE WE WERE SMOKING WE SAW MAC CONSIDINE APPROACHING. WHEN HE CAME TOWARDS US HE JUST STARED. HE STOPPED AND STOOD AWAY A LITTLE. HE CONTINUED TO STARE SO WE SAID HELLO TO HIM. THEN I NOTICED HIS PANTS ZIPPER WAS DOWN AND HE WAS A LITTLE STAND OFFISH, LIKE HE DIDNT WANT TO TALK TO US. HE WAS ALSO IN HIS KHAKIS WHICH SEEMED QUITE ODD FOR THAT TIME OF NIGHT. WHEN HE ENTERED THE BARRAKS IT WAS FROM THE SIDE ADJESNT TO THE CPO QUB. WE STOOD THERE FOR A MINUTE AN CHIEF SUDDENLY ASKED. WHO IS THE SENIOR PERSON HERE? (b)(6) RESPONDED SAYING THAT HE WAS. CHIEF CONTINUED BY ASKING "DO YOU THINK THERE IS ANYTHING WRONG WITH THIS SITUATION. WE LOOKED AT EACH OTHER CONFUSED AND (b)(6) ANSWERED NO. CHIEF THEN ASKED US IF WE SHOULD BE SMOKING HERE. (b)(6) THE FOUR OF US AGREED THAT IT WAS APPROPRIATE, WE WERE IN A DESIGNATED (b) SMOKING AREA AND WE WERE THE ONLY ONES AROUND. CHIEF DISAGREED. WE STOOD

The above statement consisting of 2 page(s) was handwritten by (b)(6) (b)(6) the presence of (b)(6) as we discussed its contents. All corrections have been initialed.

Subscribed to and sworn before me on this
Date: 15 DEC 02 at Time: 1535

I swear/affirm that this statement is true and complete to the best of my knowledge and belief.

Initial (b)(6)

Enclosure (13)

VOLUNTARY STATEMENT

2. DATE: 15 DEC 92

I, (b)(6), SS (b)(6), attached to NSA WC, EXT. 4651, residing at (b)(6) HOME # (b)(6) make the following free and voluntary statement to (b)(6), whom I know to be a (b)(6) with NAS Fallon Security Department. I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of WITNESSED ARGUMENT BETWEEN (b)(6) AND (b)(6). For identification purposes I am a WHITE FEMALE, with (b)(6) hair (b)(6) eyes. I am (b)(6) ft. (b)(6) in. tall and weigh 115 lbs. I was born on (b)(6) in (b)(6) ME. I entered the Navy in (b)(6) and currently assigned to NSA WC.

(b)(6)
ON THIS DAY 6 SEPTEMBER 2002 I WAS SERVING MY MONTHLY ASE WATCH. THE FIRST HALF OF THE NIGHT I SPENT ON PATROL WITH (b)(6) (b)(6) (b)(6) AND (b)(6). TOWARDS THE END OF THE FIRST HALF OF MY WATCH WE DID A WALK THROUGH OF THE "PLANET X" AFTER WE COMPLETED THAT THE FOUR OF US CONTINUED ON TO THE TRANSIENT BARRACKS WHERE WE COMMENCED A WALK THROUGH. WE ENTERED THROUGH THE BACK BY THE "PLANET X" PARKING LOT AND CONTINUED INTO THE COMMON AREAS, WHEN WE FINISHED WE STOPPED TO SMOKE IN THE COMMON AREA SMOKE PIT. WHILE WE WERE SMOKING WE SAW (b)(6) APPROACHING. WHEN HE CAME TOWARDS US HE JUST STARED. HE STOPPED AND STOOD AWAY A LITTLE. HE CONTINUED TO STARE SO WE SAID HELLO TO HIM. THEN I NOTICED HIS PANTS ZIPPER WAS DOWN AND HE WAS A LITTLE STANDBEISH, LIKE HE DIDNT WANT TO TALK TO US. HE WAS ALSO IN HIS KHAKIS WHICH SEEMED QUITE ODD FOR THAT TIME OF NIGHT. WHEN HE ENTERED THE BARRACKS IT WAS FROM THE SIDE ADJESNT TO THE CPO QUB. WE STOOD THERE FOR A MINUTE AN CHIEF SUDDENLY ASKED: WHO IS THE SENIOR PERSON HERE? (b)(6) RESPONDED SAYING THAT HE WAS. CHIEF CONTINUED BY ASKING "DO YOU THINK THERE IS ANYTHING WRONG WITH THIS SITUATION. WE LOOKED AT EACH OTHER CONFUSED AND (b)(6) ANSWERED NO. CHIEF THEN ASKED US IF WE SHOULD BE SMOKING HERE. ~~HE~~ THE FOUR OF US AGREED THAT IT WAS APPROPRIATE, WE WERE IN A DESIGNATED (b)(6) SMOKING AREA AND WE WERE THE ONLY ONES AROUND. CHIEF DISAGREED. WE STOOD

The above statement consisting of 2 page(s) was handwritten by (b)(6) in the presence of (b)(6) as we discussed its contents. All corrections have been initialed.

Subscribed to and sworn before me on this
Date: 15 DEC 92 at Time: 1535

I swear/affirm that this statement is true and complete to the best of my knowledge and belief.

Initials (b)(6)

Enclosure (12/13)

VOLUNTARY STATEMENT

Continuation of Statement, (b)(6), SSN# (b)(6) Page 2

(b)(6) THERE FOR AWHILE NOTHING SAID, JUST A LOT OF TENSION. CHIEF THEN SAID TO US THAT AS LONG AS WE'RE STRONG IN OUR CONVICTIONS HE DIDNT CARE. WE THEN STARTED TO WALK OUT TOWARDS THE UNIT WHEN CHIEF CALLED (b)(6) OVER AND THE THREE OF US CONTINUED TO WALK. CHIEF PROCEEDED TO REPRIMAND (b)(6) FOR NO APPARENT REASON. WE DIDNOT HEAR OR SEE (b)(6) RESPOND NEGATIVELY HE JUST NODDED HIS HEAD. WE CONTINUED TO THE UNIT WHERE WE WAITED FOR ATLEAST 30 MINUTES FOR (b)(6) (b)(6) WE COULD HERE CHIEF YELLING. IT WAS TIME FOR SHIFT CHANGE SO WE HAD TO LEAVE. I CONTINUED MY NIGHT ON MAIN GATE AND HEARD NOTHING MORE OF IT UNTIL A COUPLE OF DAYS LATER SOMEONE (WHOM I CANT REMEMBER) MENTIONED TO ME THAT CHIEF HAD BEEN DRINKING AT THE CPO CLUB THAT NIGHT. (b)(6)

END OF STATEMENT (b)(6)

The above statement consisting of 2 page(s) was handwritten by (b)(6) in the presence of (b)(6) as we discussed its contents. All corrections have been initialed.

Subscribed to and sworn before me on this
Date: 15 DEC 82 at Time: 1535.
(b)(6)

I swear/affirm that this statement is true and complete to the best of my knowledge and belief.

(b)(6)

(b)(6)

Initials (b)(6)

VOLUNTARY STATEMENT

2. DATE: 15DEC02

I, (b)(6), SS# (b)(6), attached to NAS FALLON, EXT. (b)(6), residing at (b)(6) HOME # (b)(6), make the following free and voluntary statement to

(b)(6), whom I know to be a (b)(6) with NAS Fallon Security Department. I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of WITNESSING AN ARGUMENT BETWEEN (b)(6) AND (b)(6) AT 22120

For identification purposes I am a WHITE FEMALE, with (b)(6) hair and (b)(6) eyes. I am (b)(6) ft. (b)(6) in. tall and weigh (b)(6) lbs. I was born on (b)(6) in (b)(6), IN.

(b)(6) the Navy in (b)(6) and currently assigned to NAS FALLON.

(b)(6) ON THIS DAY 6 OF SEPTEMBER I WAS DOING A WALK THROUGH OF PLANET X WITH (b)(6) (b)(6) AND

(b)(6). WE CONTINUED ON FOR A WALK THROUGH AT THE TRANSIT BARRAKS. WHEN WE WERE FINISHED WE STOPPED TO SMOKE IN THE COURTYARD SMOKE PIT. WHILE WE WERE SMOKING (b)(6) APPROACHED US AND KIND OF STOOD BACK AND WATCHED US FOR A MINUTE. HE WAS IN HIS KHAKIS AND HIS PANTS ZIPPER WAS DOWN. I DIDN'T KNOW WHAT WAS GOING ON. HE LOOKED A LITTLE DISTRAUGHT. (b)(6) THEN SAID, "HOW ARE YOU CHIEF." CHIEF REPLIED BACK WITH, "WHO IS THE MOST SENIOR PERSON HERE?" (b)(6) SAID, "I AM CHIEF." CHIEF ASKED IF WE SAW ANYTHING WRONG WITH THIS PICTURE. WE ALL SAID NO. WE WERE A LITTLE CONFUSED ABOUT WHAT WAS GOING ON. THEN CHIEF ASKED IF WE THOUGHT THERE WAS ANYTHING WRONG US SMOKING IN PUBLIC EYES. WE ALL AGREED THE ANSWER WAS NO BECAUSE WE WERE IN A SMOKING AREA. CHIEF THEN SAID "IF YOU ARE SO STRONG IN YOUR CONVICTIONS." THEN AS WE WERE ALL DEPARTING (b)(6) (b)(6) PULLED (b)(6) TO THE SIDE. AS WE WALKED TOWARDS THE UNIT I HEARD (b)(6) GETTING LOUD WITH (b)(6) AS I TURNED AROUND ALL I SAW WAS (b)(6) YELLING AND THROWING HIS ARMS AROUND TOWARDS (b)(6) I DIDN'T REALLY LISTEN TO THE CONVERSATION BECAUSE I DIDN'T FEEL IT WAS MY PLACE. THE ONLY REACTION (b)(6) REALLY GAVE WAS, JUST NODDING HIS HEAD EVERYONE IN A WHILE. (b)(6) REMAINED REALLY CALM THE WHOLE TIME. WE WATCHED THIS FOR AT LEAST A HALF AN HOUR BEFORE WE WERE CALLED FOR SHIFT CHANGE (b)(6)

END OF STATEMENT (b)(6)

The above statement consisting of 1 page(s) was handwritten by (b)(6) in the presence of (b)(6) as we discussed its contents. All corrections have been initialed.

Subscribed to and sworn before me on this
Date: 15DEC02 at Time: 1537

(b)(6)

I swear/affirm that this statement is true and complete to the best of my knowledge and belief.

(b)(6)

Initial (b)(6)

My name is (b)(6). Today at 0015 a call came over the net for a patrol unit to go and secure to CPO club. I answered up as A-8 to take the call. I went over to the CPO club and walked into the club. I went up to the bar tender and was told by her to go check the three doors that were behind me and then go into the kitchen and check the door in the back and also to check door that is in the poolroom. As I went around the club checking the doors, and then went back up to the bar. As I was waiting on the last of the occupants to leave, (b)(6) and (b)(6) her husband asked me how I was doing. I walked over a little closer and told her that I was doing ok and that I was almost done with the motor that I was working for a friend of mine. We talked about the motor for a few minutes and then I heard the bar tender say that it was time to leave. I saw (b)(6) roll his sleeves down and head toward the door. I then proceed toward the other end of the bar and stood with my back to the wall of the poolroom. I over heard (b)(6) talking to some other second-class about responsibilities. As I stood there a little longer (b)(6) said to the other second class something about the tattoos on his neck and how proud his mother must be because of them. Then chief looked over to me and asked what the f@#k I was doing there. I replied that I was called over to the CPO club by central. The bar tender even told chief as well that she had called for security to come and ensure that the lock up was done and that the 10-30 was done upon closure. Chief then told me to leave the club I had no reason to be in there. I walked out side and called for my watch commander to come over and take care of the problem. When the watch commander got there I told (b)(6) that I was told that I had no reason to be there by chief and that I was not going to deal with it. I was told to wait by the car. (b)(6) then walked up to chief and started to talk with him. From where I was standing I could here chief say that because people had gotten in to trouble we were all out to get him. I was not there to bust him for drinking. I know that I have been in trouble but I was not mixing up work and personal life issues. I was there to close the club. I had a reason to be in the club and I was there on an official reason. I feel that because of my past personal troubles I was being punished and I was not being allowed to do the job I was sent there to do. In talking with (b)(6) and (b)(6) after the incident I was then informed that chief did not even remember that I was in the club or that he had told me I had no reason to be there. I did take this as an attack on my self. I feel that being here any longer will do me no good that I will not be of any help. I feel no reason to be armed up and I don't want to carry this weapon any more. I feel that I could be a better sailor back at sea. Knowing my past history with the mistakes that I have made, I feel that I will no longer be able to this serve this command in a matter that is needed. I know that I did good at sea and wish to return as soon as possible.

(b)(6)

ENCLOSURE 6

From: (b)(6) CBU 416
To: (b)(6) Naval Air Station Fallon, Nevada
Subj: INCIDENTS INVOLVING (b)(6)

1. I recall occasions where the Chief had been in the CPO Club drinking and would call Patrolman to the club to discuss issues regarding their watch.
2. I was witness to an occasion where the Chief and a civilian employee from Boeing were joking back and forth. The Chief went into the head and when he came he took a long drink from his beer and unknown to him the civilian had poured Whistoher sauce in. The beer came right back up almost immediately. When the Chief cleaned himself up and came out of the head he went straight to the pool table area and got a cue stick, at which time he smacked it across the bar (the tip flew off) and yelled who the "fuck spiked it" or word to those effects. He called patrolman to the scene and told them to scrap the civilian's sticker. I do not know if they actually followed his instructions.
3. On one other occasion in the March time frame he came in for a drink and had all his E5 evals in hand. When he left he left them there. As I was leaving the bartender brought them out to my truck and asked me if they were mine. I told he no but I would take care of them. I turned them over to (b)(6) What was done from that point with them or the Chief, is unclear to me.
4. If further information is required or you should wish to speak with me in regards to any of these matters feel free to contact me at (b)(6)

(b)(6)

Enclosure (¹⁴15)

16 January 2003

From: (b)(6) (b)(6)
To: (b)(6) Navy Region Southwest
Via: (b)(6), Naval Air Station Fallon

Subj: REBUTTAL OF ADVERSE MATTERS RELATING TO ARTICLE 138 UCMJ
SUBMITTED ON 13 DECEMBER 2002

Ref: (a) JAGMAN, Chapter III

Encl (1) Evaluation dated 01MAR03-01SEP15
(2) Evaluation dated 01SEP16-02SEP15
(3) Special Evaluation dated 02SEP16-02NOV15
(4) Adverse Performance Fitness Report Memo
(5) Statement from (b)(6)

1. The following information is provided in rebuttal to the Article 138 investigation conducted by the (b)(6) NAS Fallon.

2. I have read the endorsement and statements submitted to (b)(6) Navy Region Southwest by the (b)(6) NAS Fallon in response to my Article 138 complaint. I hereby formally and respectfully request (b)(6) Navy Region Southwest, to refer my complaint to the U.S. Navy Inspector General's office, so that an official investigation into violations of the UCMJ, and U.S. Naval Regulations committed by (b)(6) (b)(6), Naval Air Station Fallon Nevada, against me, may be conducted. I am appalled at the flagrant lies and attempted deception, which has been submitted against me to show justification for my relief of Duty and the ruining of 21 years of Naval service. (b)(6)

(b)(6) has not only committed violations of the UCMJ, and Navy Regulations in an attempt to cover up errors made by him and his chain of command, but he has also violated Navy core values which is what separates us from the enemy we pursue. These lies and deceptions are an abuse of his authority and a failure on his part in the proper performance of his duties as a (b)(6) (b)(6)

This ordeal has caused me immeasurable embarrassment, suffering, and undue hardships for my family. Additionally, this is to serve as formal notification to my chain of command, that I am contacting and forwarding my initial Article 138 complaint against my (b)(6) to include this rebuttal, to the

office of my Congressman, the Honorable John E. Sweeney, R-NY, and my Senator, the Honorable Hillary Rodham Clinton, D-NY.

3. Paragraph 5, of the (b)(6)'s endorsement states: (b)(6) was not relieved due to one incident of poor leadership. The decision was based on a long history of complaints of abuse by subordinates, repeated perceived and actual alcohol related issues and incidents of poor leadership of the sailors under his charge. I have discussed these issues with (b)(6) on two previous occasions."

a. I am unaware of any long history of complaints from subordinates or poor leadership of the sailors under my charge. The (b)(6) has not provided any information to support this accusation for me to rebut. I do however have a long history of supporting, training, and assisting sailors under my charge while getting the job done in a stressful post-9/11 environment with a security department which was 49 percent undermanned in supporting pre-9/11 manning requirements. I submit enclosures 1 and 2, in support of this statement, which in fact are the only proper and official counselings I have received since I have been onboard this command. There is nothing noted in these enclosures that remotely indicate any long history of complaints. I believe I have adequately answered or disproved any actual or perceived alcohol abuse in my original Article 138 complaint and further in this rebuttal.

4. (b)(6) also states in Paragraph 5: "I have discussed these issues with (b)(6) on two previous occasions."

a. On 6 January 2003, I met with (b)(6) to be debriefed on my special evaluation (submitted as Enclosure 3). I asked (b)(6) about his official statements in which he said he discussed these issues with me. (b)(6) replied that: "The first time was after the previous (b)(6) (b)(6) (b)(6) had transferred from the command. We had a meeting in my office and discussed issues where I spoke with you about the incident in the CPO club with the civilian." I informed (b)(6) that I did remember the meeting we had, but there was never any discussion about my behavior or actions in the CPO club. (b)(6) replied: "I'm pretty sure I did." I informed (b)(6) that had he discussed it with me I would have had the opportunity to inform him of the actual events of what happened. I then asked (b)(6) when was the second time he discussed issues or problems that he had with me. (b)(6) replied: "I spoke with you about

six months ago when we all got together up at the security building." I said to (b)(6): "six months ago you came up to the security building for a Captain's Call." (b)(6) replied: "That's right, that's when we talked." I said to (b)(6) "So you consider a Captain's Call with the entire security department a personal counseling on myself?" (b)(6) replied: "Yes, although I didn't mention your name directly, I thought you would understand that I was talking to you."

b. (b)(6)'s official statements on his endorsement to (b)(6), Navy Region Southwest that he had previously discussed these issues with me twice are false and are made against me in an attempt to cover up the improper treatment of me, and to discredit my Article 138 complaint against him. (b)(6) did not discuss at any time with me concerns he had about my behavior in his office or anywhere else. I am shocked that (b)(6) would consider a departmental Captain's Call a personal counseling on anyone. Moreover, I was not even present at this Captain's Call due to other departmental commitments which could not be rescheduled, but instead I later received a brief pass down from (b)(6) about the Captain's Call.

c. These are not the only times (b)(6) has misstated the truth to me during this ordeal. On the morning of 13 December 2002, I filed my original Article 138 complaint against the (b)(6). I was later informed I had a 1430 meeting with the (b)(6) that same day. When I arrived for my meeting I had to wait in the (b)(6)'s waiting area because he was in another meeting. While waiting I could hear the (b)(6) and (b)(6) discussing my Article 138 complaint. I heard (b)(6) say: "I don't know why he would write a statement saying his sticker wasn't scraped, he's the one who complained about it," referring to the statement provided by (b)(6). I could hear broken bits of conversation, and it was clear they were discussing my Article 138. (b)(6) and (b)(6) then arrived at the (b)(6)'s waiting area. When I asked (b)(6) why they were there she replied: "I don't know, we were told to come over and stand by." When the (b)(6)'s meeting ended, (b)(6), (b)(6), (b)(6), and (b)(6) walked out of (b)(6)'s office. (b)(6) then came to the door and invited me in. We sat down and he began to briefly discuss my relief of duties as he began a debrief on a special

evaluation regarding me. When it was proper for me to interrupt I told (b)(6) "Sir, this special evaluation is one of the items I requested relief from in my Article 138 grievance." (b)(6) looked at me and said "Article 138?," as if he had no idea what I was talking about. I replied: "yes, Sir, in the Article 138 complaint I filed against you, I specifically requested that I receive no special evaluation." I then asked: "You are aware of my Article 138 aren't you?" (b)(6) replied: "No I'm not, I heard you may have submitted something this morning, but I haven't gotten around to it yet." I knew this comment was a lie, because I could hear the command discussing the Article 138 complaint in the (b)(6)'s earlier meeting. At that point I realized I could not trust my own (b)(6) to ensure I would receive fair treatment.

d. Another deliberate misstatement made to me by (b)(6) (b)(6) concerns the signing of my special evaluation. On 6 January 2003, I was called to the (b)(6)'s Office. (b)(6) began debriefing me on my special evaluation. I could clearly see on the evaluation routing cover sheet that (b)(6) created the special evaluation on 9 December 2002. (b)(6) received and approved the evaluation on 10 December 2002, sending it to the NAS Fallon Admin department which received the evaluation and initiated, serialized and dated the adverse performance fitness report letter for 10 December 2002 (submitted as Enclosure 4). The evaluation was then routed to the (b)(6) in which he initialed but did not date, and then to the (b)(6) (b)(6) undated by him. (b)(6) noticed I was reading the cover sheet and casually shifted the folder out of my view. (b)(6) was onboard NAS Fallon on 9 December, however he was out of town on 10, 11, and 12 December, and returned to work on 13 December 2002. As seen in enclosure 3, Block 45, (b)(6) (b)(6) falsely signed and dated the special evaluation for 9 December 2002, in a deceptive attempt to give the appearance that he had viewed and signed the evaluation prior to me submitting my Article 138 complaint. Due to all the statements I received and submitted in my initial Article 138 complaint, it is not unlikely that the command received information that I was submitting a formal complaint and initiated the evaluation 24 days after I was relieved.

e. I was victim to another lie during the evaluation debrief. Although I repeatedly requested that the command wait for the results of the Article 138 complaint, (b)(6) said that he had spoken with San Diego and they informed him to submit the special evaluation against me. When I informed

(b)(6) that I intended to submit a statement against the evaluation, he informed me that it was to be in temperate language and that I had ten working days to submit a rebuttal. (b)(6) also told me he would review and consider my rebuttal prior to submitting the evaluation. The following day on 7 January 2003, I went to the NAS Fallon Admin department for another copy of the special evaluation, and to try and get a copy of the evaluation routing form. When I asked (b)(6) Admin LPO, for a copy of my evaluation he told me he did not have it and it had already been mailed out. I told (b)(6) that I still needed to submit a statement to rebut the evaluation. (b)(6) replied; "the (b)(6)'s secretary had given it to Admin yesterday and said to mail it out." (b)(6) continued to say that when he asked about a rebuttal statement, the (b)(6)'s secretary said; "it's all there, mail it out." I then asked (b)(6) for a copy of the routing slip. (b)(6) said: "The folder was there, but the routing slip was gone."

f. (b)(6) states in paragraph 6 of his endorsement: "The negative command climate survey referred to in enclosure (9) was indicative of (b)(6)'s leadership."

g. If (b)(6) believes this negative command climate survey which is written by personnel who are not required to put their name on paper, and are instructed and encouraged to write anything they want to include rumors, without regard for facts, as an indication of my leadership abilities. My question is then who's leadership is the three negative command climate surveys from NASF AIMU, NASF Weapons, and NASF Security, the three largest departments on Naval Air Station Fallon, indicative of? Command Climate is a tasking of the U.S. Navy Inspector General's office and these should be viewed by them.

h. Paragraph 7 of the (b)(6)'s endorsement states: "This decision was made after significant deliberation and consideration of the effect it would have on (b)(6)'s career." The decision to relieve me of my duties and ruin my career was not significantly deliberated. As stated in enclosure (8) by (b)(6) at approximately 0830, (b)(6) departed (b)(6)'s office. When he asked (b)(6) what she thought, she replied (b)(6) must be relieved, to which (b)(6) agreed. They made this decision based on the statements of (b)(6). A half-hour later (b)(6) met with (b)(6) who provided information to (b)(6) that

did not match what (b)(6) had verbally stated to him. Instead of stopping and taking the time to properly investigate (b)(6)'s accusation, he disregarded this information and took it up the chain of command and met with the (b)(6) at approximately 0930. At approximately 1015, of the same morning (b)(6) met with (b)(6), the command DAPA, to discuss my incident. I do not believe a 30 minute meeting with the (b)(6), after receiving conflicting information from a witness, and never talking to the accused member demonstrates a careful consideration of the underlying incident or my 21 years of Naval service.

5. Enclosure 7, submitted by (b)(6), attempts to discredit witnesses who were present during the perceived incident between (b)(6) and myself. (b)(6) accuses a Senior Chief, two Chiefs, a civilian employee and myself, of lying to cover up or minimize events that occurred on the evening in question. (b)(6) attempts to validate his accusations by stating: "I find the verbal statements of some of those same individuals that imply 'WHAT HAPPENS IN THE MESS STAYS IN THE MESS' to be absolutely preposterous." After reading (b)(6) statement I spoke with (b)(6) and (b)(6) who stated they had not spoken with (b)(6) about this incident, nor had they ever made verbal statements referring to this matter in such terms. (b)(6) and (b)(6) stated they continue to stand by their original statements. Civilian employee (b)(6) states: "I have nothing to gain by this, so why would I lie?" (b)(6) continues to say in his statement: "The facts provided, coupled with my personal knowledge of episodes involving (b)(6) that were unacceptable for a Chief Petty Officer." I have never been counseled by the (b)(6) about any episodes he has personal knowledge of. Had (b)(6) done so, I would have had the opportunity to explain the facts or correct the deficiency.

6. In enclosure (8), paragraph (b), (b)(6) says in (b)(6)'s verbal statement to him, he claimed he initially told (b)(6) that he was in the club to assist with lock up. However I still ordered (b)(6) out of the Chief's club saying: "Patrolmen do not conduct walkthroughs in the CPO or Officers Club." The fact is that I walked up to (b)(6) and asked him "what's going on, why are you here?" to which (b)(6) ignored my question and looked away from me. I felt this action was rude and disrespectful, so I again asked "what the fuck's up, why are you

here?" This term was not used in a belittling or abusive manner, it was framed as a question. (b)(6) again ignored me and did not respond. This is why I thought he was conducting a club walkthrough like (b)(6) and (b)(6) had done earlier, and I told them that club walkthroughs are not conducted in the CPO or Officers club. It was not until I walked away from (b)(6) that (b)(6) informed me that she had called dispatch for a club closure to which I responded: "well, he should have said so in the first place."

7. (b)(6) submitted several individual comments from the command climate survey in support of the recommendation for my relief of duties. My rebuttal directly follows each of these comments.

a. "There have been numerous complaints on (b)(6) at the security level and yet he still remains (b)(6). He treats everyone at the command like crap, comes to work hung over from alcohol and has shown up on scenes drunk." Obviously this is a patrolman who has been counseled by me in the past because of his shortcomings. If I came to work hung over I'm sure (b)(6) or (b)(6) would have counseled me. Additionally I have never shown up on scenes drunk. This statement is untrue.

b. "I have been accused, threatened by (b)(6) while he was drunk, in uniform and in public." This is a comment from (b)(6). I have already addressed this issue and will readdress further in this rebuttal.

c. (b)(6) is more concerned about beer than his people. I walked into his office and he had an "arrogant bastard ale" displayed on his desk for everyone to see. He also never listens, nor would I want to tell him any problems for fear of punishment." (b)(6) placed the "arrogant bastard ale" on my desk, which this Patrolman saw. Dozens of patrolmen I have helped with problems in the past would disagree with the rest of this statement.

d. "(b)(6) is a burden to this Chain-of-Command." This comment fails to identify me, but instead could refer to (b)(6) or (b)(6).

e. "We have a Chief who drinks and drives through the gates, arrives on scenes and talks over the radio." There were five Chiefs in the department, I would like to know who this Chief is. If this comment refers to me it is not true. I always stop

and talk to the Patrolman when entering any gate. No patrolmen have ever said they detected the odor of alcohol on my breath while driving.

f. "I would also relieve (b)(6) of his duties. The man has a drinking problem, when he passes down orders and information; the first question asked is "is he drunk?" I have heard that question at least 150 times in the year that I have been here." After reading the entire comment made on the command assessment survey, I believe this was written by a disgruntled Patrolman who had his qualifications revoked, I cannot comment further on this without more information.

8. I submit the following individual comments from the same command climate survey which I feel represent my treatment and clarify the circumstances of my removal:

a. "Why since the (b)(6) has been here has the moral gone down and why has there been a lot of troubles?"

b. "Bottom line, most patrolmen in this department that I've spoke with aren't happy with our (b)(6). They don't like working for him."

9. The following are a sample of responses to the question: "If you were the department (b)(6) for a day, what would you do to improve loyalty and the overall work experience within the department?"

a. "Apologize."

b. "In general be a leader people can relate and talk to. Not one that is looking for an opportunity to screw you over."

c. "Our leader, (b)(6) needs leadership skills before taking his position."

d. "Stop being concerned about what people above me think and actually worry about the men and women that work for me think."

e. "I would listen and act decisively towards all issues/problems in the Dept, rather than acting on impulse and change policies procedures, or laws to fit the punishment."

f. "I would go out and talk to my people and see how they are doing, what their work environment is like and not hide in

the bush and wait until they do something wrong then reprimand them."

g. "Stop the knee-jerk reactions to individual screw-ups."

h. "Help out the people in the sections not just watch out for myself."

i. "Let everyone know I am here for them and not to make myself look good by making everyone else look and feel bad."

j. "Discipline and military bearing should evolve higher than any other command, hence a strong department with squared away troops. Like that of days gone by."

k. "When I saw a minor infraction I would correct it on the spot. Not tell the chief and let it trickle down."

l. "When did micro management become the standard? Let the Chiefs and 1st classes take care of and inform their personnel (after getting direction from an officer)."

m. "When the (b)(6) first arrived people were running scared. Investigations were being conducted on his own people on counts ranging from adultery to drug trafficking. How can anyone be loyal to someone that wants to fry us? By the way, all those investigations proved the MBR innocent."

n. "I would not seek around looking for people resting and then lie to the watch commander about them just sitting down on the job and giving the "I don't give a shit attitude" when it didn't happen that way."

10. (b)(6)'s written statement provides a summary of (b)(6)'s complaint against me. I never knew of (b)(6)'s complaints or that he had written a statement as to his version of the events from that evening. When talking to (b)(6) and later (b)(6) on 9 September (not 7 September as (b)(6) states) 2002, I admitted I made an error in judgment based on my knowledge of the actual events of that evening. I had no knowledge of what (b)(6) had told them and that they possessed a written statement from him. Any proper counseling would have informed me of what (b)(6) had said, and the opportunity to read and address his statement. I stand by my original statement to the events of that evening.

11. (b)(6) states that after meeting with (b)(6) (b)(6) he met with (b)(6) and told her he was beginning to lose confidence in me as (b)(6) With all the opportunities available on duty or liberty, never has (b)(6) (b)(6) or (b)(6) told me they were losing confidence in me, or my abilities to perform as (b)(6).

12. Enclosure 9, submitted by (b)(6) states that my relieve of duty was based on three alcohol related incidents with Patrolmen.

a. On 29 July 2002, at approximately 1930, I received a telephone call from (b)(6) in regards to a telephone call he had received from an underage juvenile who wanted to report that she had sexual relations with two of our Patrolmen. I told (b)(6) to request that the juvenile and parent come to the Security department to provide a statement. I then contacted (b)(6) directly because (b)(6) (b)(6) was on leave. I informed (b)(6) of the telephone call (b)(6) had received. Because NCIS Special Agent (b)(6) was on leave we decided to wait until the juvenile and parent came to the security department and provided a statement before we would make any decisions.

b. I called (b)(6) back and told him to contact me when the complainant arrived and they got the name of the Patrolmen in question. I believe at approximately 2100, (b)(6) called me back and told me the names and a brief synopsis of the complainant's claims. I told (b)(6) that Special Agent (b)(6) was on leave so we couldn't call him. I told (b)(6) I would get back to him after I spoke to (b)(6). I called (b)(6) and told him what I was informed of. (b)(6) had more questions than I had answers to, so I told him I would call him back. I tried to call (b)(6) but spoke with another Patrolman. He informed me that (b)(6) was unavailable, but he was assisting (b)(6). I asked the Patrolman the questions, which the (b)(6) asked me. Afterwards I contacted the (b)(6) and relayed that information to him. (b)(6) (b)(6) had more questions, so I tried to contact (b)(6) (b)(6) again and was told by (b)(6) that (b)(6) (b)(6) was unavailable again. (b)(6) informed me that she was assisting (b)(6). I asked (b)(6) (b)(6) the questions I had, then I contacted (b)(6) relayed that information to him. I spoke to (b)(6) again and got an update to what was going on. The information

that (b)(6) relayed to me did not match the information I had been giving earlier.

c. I called (b)(6) again and passed on the new information I had. Understandably (b)(6) became angry at receiving conflicting stories. It was getting very late into the evening, so I tried to call (b)(6) after waiting for over half an hour. I again was told (b)(6) was unavailable by the Patrolman, however NCIS Special Agent (b)(6) had assumed the case. I asked the Patrolman how did they contact NCIS with him on leave and the Patrolman responded they called his cellular phone. I then called (b)(6) who became furious when he found out the NCIS Special Agent was called without his direction. (b)(6) asked: "who authorized them to call NCIS?" I replied: "Not me, I thought he was on leave." My call waiting started to beep, so I told (b)(6) that it was probably (b)(6) so I would call him back. I answered the call waiting and found out it was (b)(6). She told me (b)(6) told her to call me because he was still conducting the interview. I then asked (b)(6) who authorized calling NCIS. (b)(6) said (b)(6) told her (b)(6) did. I told (b)(6) to find (b)(6) and tell him to call me now.

d. When (b)(6) finally called me he was already on the defensive. When I asked him who authorized him to call NCIS (b)(6) said: "Have you been drinking? You told me to call NCIS." I told (b)(6): "Don't get smart with me or you'll be looking for another job. I told you NCIS was on leave, so we couldn't call him." The following morning I spoke with (b)(6) (b)(6)'s supervisor. I told (b)(6) of the events of the previous evening and that the communications between Command Investigations and the Patrolmen who were assisting was poor. I also told (b)(6) that he needed to do some training with (b)(6) because (b)(6) was upset with the handling of the case and said he had wanted to fire him.

e. I found out later that (b)(6) had told (b)(6) "Chief said that if you don't get it together you would be fired." This is what led up to the mediation a week later when (b)(6) returned from leave. During this mediation (b)(6) accused me of being highly intoxicated, which I denied. When (b)(6) accused me again of being intoxicated, I became very angry at (b)(6)'s insubordination. I opted not to explain myself any

further to this Second Class and hold my comments to myself. After (b)(6) left my office I told (b)(6) (b)(6) that I was not drinking, and (b)(6) could verify this because I was on the phone with him all evening. I was unaware that (b)(6) ever considered this an incident until I read her statement to my Article 138 complaint. If I knew (b)(6) had considered this an incident, I would have brought it before (b)(6). Additionally, I was never counseled about this.

13. (b)(6)'s many problems began almost the first week of his reporting aboard.

a. The first incident was when he was picked up by Nevada State Patrol for being intoxicated and passed out in his truck while parked in front of a casino with the keys in the ignition. Luckily for (b)(6) (b)(6) who is a reserve Sheriff's Deputy for Churchill County, was working that evening. (b)(6) recognized (b)(6) as a newly reported Security Department Patrolman and told the Nevada State Patrolman that he would process (b)(6). When (b)(6) took custody of (b)(6), he brought him back to the base instead of taking him to the Sheriffs Department. I counseled (b)(6) and made sure he understood Nevada State laws in regards to what he did and then sent him back to work without any further action.

b. Shortly afterwards I started to receive telephone calls from a woman who owns a bicycle shop. She stated that (b)(6) (b)(6) had ordered and taken custody of a custom made bicycle that cost over seven thousand dollars. She claimed (b)(6) (b)(6) had stopped making payments shortly after receiving the bicycle, and then transferred to NAS Fallon. I called (b)(6) (b)(6) to my office and asked him about the complaint. He admitted he owed her the money and said he lost track of paying her. I offered (b)(6) financial counseling through the department coordinator, he declined and told me he had the money, and would pay off the bill.

c. A few weeks later I began to receive telephone calls from the creditor who financed (b)(6)'s truck. The creditor claimed (b)(6) stopped payments on his truck and was months overdue. (b)(6) later stated that because he transferred to NAS Fallon, his allotments had stopped but he had restarted them. Once again I believed him and told him if he needed any assistance he should contact the department financial coordinator.

d. About a month later I received a complaint from VISA that (b)(6) had not paid his VISA bill. Once again I had (b)(6) report to my office. This time I had the department financial coordinator present. I spoke with (b)(6) again about his responsibilities in paying his bills. When asked why a single sailor with no dependents who makes two thousand dollars a month couldn't pay his bills he replied; I don't know. (b)(6) continued to say that when he sits down to pay his bills he becomes depressed because he never seems to have enough money. After he gets depressed over his financial problems he then goes to the club and gets drunk. With those comments I told him we would set him up with a financial plan so he could get his bills paid off. Additionally, I made an appointment for him with the command DAPA due to his comment about drinking away his financial problems coupled with the earlier incident with Nevada State Patrol.

e. About a month or two later I received complaints that (b)(6) was having an adulterous affair with another sailor's wife. When command investigations looked into the allegations, (b)(6) openly admitted that he was having sexual relations with this woman. We decided not to bring (b)(6) up on charges because he was truthful with us, and we felt the woman used (b)(6) to get back at her husband. (b)(6) was counseled by me because of this incident.

f. Shortly afterwards I received a complaint from a Marine who was assigned to NAS Fallon. The Marine stated that he had let (b)(6) borrow his second car and (b)(6) crashed it. I sent a Patrolman over to meet with the Marine and take photographs of the car. The Patrolman returned and informed me that the Marine was upset because he could not report the damage to his insurance company because (b)(6) was not listed as an authorized driver under his insurance policy. He also stated that he had tried to contact (b)(6) numerous times, however, (b)(6) would not return his calls or answer his door. The Marine said all he wanted was his car fixed and nothing else.

g. The following day I received another telephone call from the woman who sold the bicycle to (b)(6). She told me that (b)(6) had only sent her \$100.00 right after the last time we spoke, and he had not sent any money in the past couple of months. She also stated that she was a small

business owner and the six thousand dollars that (b)(6) (b)(6) owed her was putting a lot of financial stress on her business.

h. I finally contacted (b)(6) and had him report to my office along with the financial coordinator. I asked (b)(6) about the damaged car that he borrowed. (b)(6) admitted that he crashed the car on the way back from Reno. He stated that he fell asleep while driving and hit the guardrail on Highway I-80 at about 2 a.m. He did not report the accident to local authorities and drove 30 miles back to base on two flat tires. When I asked (b)(6) why he borrowed the car instead of driving his truck, (b)(6) (b)(6) told me his truck had been repossessed by the lien holder. I then said to the financial coordinator "I thought we took care of his bills?" The financial coordinator told me he had set up a budget and repayment system with the creditors for (b)(6) (b)(6) (b)(6) stated that the financial coordinator did set up a program from him, but he never followed through with it and that was why his truck was repossessed. I asked (b)(6) why he only paid the woman \$100.00 since the last time I spoke with him. (b)(6) said every time he thought to pay her, he would have no money left and would tell himself that he would send more money the following payday.

i. Because of all my dealings with (b)(6) I can understand why he might feel intimidated by me at the CPO club and not answer my questions when I asked him why he was there as witnesses attest to. I have no idea why he would say to (b)(6) that "he had enough of (b)(6) and he wasn't going to take it anymore!"

j. I have done nothing but try to help this sailor and get him on the right track ever since he reported aboard. I have continued to assist this individual through all his self-inflicted problems, long after many other people would have given up on him. If (b)(6) honestly felt offended by my comment in the CPO club, then I feel I owe him an apology. I never intended to hurt his feelings in any way.

14. Enclosure 14 submitted by (b)(6) is flawed and incorrect. (b)(6) was the (b)(6) who stopped by the CPO club that day to talk to me. In his statement submitted as Enclosure 5, he never recalls me ordering him or anyone else to scrape the sticker from a vehicle. In paragraph 3 of (b)(6) (b)(6) s statement he claims he witnessed me walk into the

Chiefs' club with all my E-5 evaluations in hand, and leave them in the club when I departed. This also is not true. The day in question was the monthly Chief Petty Officer Association meeting. (b)(6) NAS Fallon Administration department, brought the evaluations to the meeting and placed them on the table where she was sitting. (b)(6) later told me she brought the evaluations for me to make corrections and left them on the table. Because I did not bring them to the meeting, they were left behind and later turned over to (b)(6) (b)(6). When I picked up the evaluations from (b)(6) (b)(6) I informed him as to why they were left there.

15. The command's decisions to remove me from my duties as (b)(6) and issue me an adverse fitness report are clearly unfair and are without well reasoned justification. Moreover, the command bases its actions against me on an alleged abuse of alcohol and verbal abuse of subordinates, but the chain of command, despite assertions to the contrary, has not once counseled me on any shortcomings until now. I respectfully request reinstatement as NAS Fallon (b)(6) and the removal of the adverse fitness report from my record, along with requested relief submitted in my original Article 138 Complaint.

16. I CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND THIS REBUTTAL TO MY ORIGINAL ARTICLE 138 COMPLAINT SUBMITTED ON 13 DECEMBER 2002, IS SUBMITTED PER THE GUIDELINES AND PROCEDURAL REQUIREMENTS IN CHAPTER III, MANUAL OF THE JUDGE ADVOCATE GENERAL.

(b)(6)

17 JAN 2003
DATE (b)(6)

(b)(6)

WJ

DATE: 17 JAN 03

SIGNATURE OF COMPLAINANT

(b)(6)		(b)(6)		2. (b)(6)		3. Desig (b)(6)		4. SSN (b)(6)	
ACT <input checked="" type="checkbox"/> TAR <input type="checkbox"/> INACT <input type="checkbox"/> AT/ADSW/265 <input type="checkbox"/>		6. UIC 60495		7. Ship/Station SECDET, NAS FALLON				8. Promotion St REGULAR	
Occasion for Report		Detachment <input type="checkbox"/> Detachment of <input type="checkbox"/>		Period of Report		14. From: 01MAR03 15. To: 01SEP15			
10. Periodic <input checked="" type="checkbox"/>		11. of Individual <input type="checkbox"/>		12. Reporting Senior <input type="checkbox"/>		13. Special <input type="checkbox"/>			
16. Not Observed Report <input type="checkbox"/>		Type of Report 17. Regular <input checked="" type="checkbox"/>		18. Concurrent <input type="checkbox"/>		19. Ops Cdr <input type="checkbox"/>		20. Physical Readiness P/WS	
22. Reporting Senior (Last FLMD) (b)(6)		23. Grade (b)(6)		24. Desig (b)(6)		25. Title (b)(6)		26. UIC 60495	
27. SSN (b)(6)									
28. Command employment and command achievements. Integrated Tactical Air Warfare Training.									
29. Primary/Collateral/Watchstanding duties. (Enter primary duty abbreviation in box.) ASO Assistant Security Officer (ASO)-6. Security Department Leading Chief Petty Officer (LCPO)-6. Supervises 52 Patrolman, 30 Auxiliary Security Force, and 3 Civilian Personnel. COLL: Command Assessment and Training Team Member-5. WATCH: Command Duty Officer-3. LEAVE/TEM DU: 01MAR02-01MAR16.									
For Mid-term Counseling Use. (When completing FITREP, enter 30 and 31 from counseling record, sign 32.)				30. Date Counseled NOT REQ		31. Counselor		32. Signature of Individual Counseled	
PERFORMANCE TRAITS: 1.0 - Below standards/not progressing or UNSAT in any one standard; 2.0 - Does not yet meet all 3.0 standards; 3.0 - Meets all 3.0 standards; 4.0 - Exceeds most 3.0 standards; 5.0 - Meets overall criteria and most of the specific standards for 5.0. Standards are not all inclusive.									
PERFORMANCE TRAITS	1.0* Below Standards	2.0 Pro- gressing	3.0 Meets Standards	4.0 Above Standards	5.0* Greatly Exceeds Standards				
33. PROFESSIONAL EXPERTISE: Professional proficiency, and qualifications.	-Lacks basic professional knowledge to perform effectively. -Cannot apply basic skills. -Fails to develop professionally or achieve timely qualifications.	-	-Has thorough professional knowledge. -Competently performs both routine and new tasks. -Steadily improves skills, achieves timely qualifications.	-	-Recognized expert, sought after to solve difficult problems. -Exceptionally skilled, develops and executes innovative ideas. -Achieves early/highly advanced qualifications.				
(b)(6)									
34. EQUAL OPPORTUNITY: Fairness, respect for human worth.	-Displays personal bias or engages in harassment. -Tolerates bias, unfairness or harassment in subordinates. -Lacks respect for EO objectives. -Interferes with order and discipline	-	-Always treats others with fairness and respect. -Does not condone bias or harassment in or outside of workplace. -Supports Navy EO objectives. -Contributes to unit cohesiveness	-	-Admired for fairness and human respect. -Ensures a climate of fairness and respect for human worth. -Pro-active EO leader, achieves concrete EO objectives. -Leader and model contributor to unit				
(b)(6)									
35. MILITARY BEARING/ CHARACTER: Appearance, conduct, Physical fitness, adherence to Navy Core Values.	-Consistently unsat appearance. -Unsatisfactory demeanor/conduct. -Unable to meet one or more physical readiness standards. -Fails to live up to one or more Navy Core Values: HONOR, COURAGE, COMMITMENT.	-	-Excellent personal appearance. -Excellent demeanor or conduct. -Complies with physical readiness program, within all standards. -Always lives up to Navy Core Values: HONOR, COURAGE, COMMITMENT.	-	-Exemplary personal appearance. -Exemplary representative of Navy. -Excellent or outstanding PRT. A leader in physical readiness. -Exemplifies Navy Core Values: HONOR, COURAGE, COMMITMENT.				
(b)(6)									
36. TEAMWORK: Contributions to team building and team results.	-Creates conflict, unwilling to work with others, puts self above team. -Fails to understand team goals or teamwork techniques. -Does not take directions well.	-	-Reinforces others' efforts, meets personal commitments to team. -Understands team goals, employs good teamwork techniques. -Accepts and offers team direction.	-	-Team builder, inspires cooperation and progress. -Talented mentor, focuses goals and techniques for team. -The best at accepting and offering team direction.				
(b)(6)									
37. MISSION ACCOMPLISHMENT AND INITIATIVE: Taking initiative, planning, Prioritizing, achieving mission.	-Lacks initiative. -Unable to plan or prioritize. -Does not maintain readiness. -Fails to get the job done.	-	-Takes initiative to meet goals. -Plans/prioritizes effectively. -Maintains high state of readiness. -Always gets the job done.	-	-Develops innovative ways to accomplish mission. -Plans/prioritizes with exceptional skill and foresight. -Maintains superior readiness, even with limited resources. -Gets jobs done earlier and far				
(b)(6)									

FITNESS REPORT & COUNSELING RECORD (E7 - O6)

RCS BUPERS 1610-1

1. Name (Last, First, MI, Suffix) (b)(6)		2. Grade/Rate (b)(6)		3. Desig (b)(6)		4. SSN (b)(6)	
5. ACT <input checked="" type="checkbox"/> TAR <input type="checkbox"/> INACT <input type="checkbox"/> AT/ADSW/265 <input type="checkbox"/>		6. UIC 60495		7. Ship/Station NAS FALLON NV		8. Promotion Status REGULAR	
9. Date Reported 01MAR16		10. Occasion for Report Periodic <input checked="" type="checkbox"/> Detachment of Individual <input type="checkbox"/> Detachment of Reporting Senior <input type="checkbox"/> Special <input type="checkbox"/>		11. Period of Report 14. From: 01SEP16 15. To: 02SEP15		12. Not Observed Report <input type="checkbox"/>	
13. Type of Report 17. Regular <input checked="" type="checkbox"/> 18. Concurrent <input type="checkbox"/> 19. Ops Cdr <input type="checkbox"/>		20. Physical Readiness MWS		21. Billet Subcategory (if any) BASIC		22. Reporting Senior (Last, FI, MI) (b)(6)	
23. Grade (b)(6)		24. Desig (b)(6)		25. Title (b)(6)		26. UIC 60495	
27. SSN (b)(6)		28. Command employment and command achievements. Anti-Terrorism and Force Protection in support of Integrated Tactical Air Warfare Training.					
29. Primary/Collateral/Watchstanding duties. (Enter primary duty abbreviation in box.) SEC DET OPS LCPO PRI: Security Detachment Operations Leading Chief Petty Officer-9, Assistant Security Officer-3. Directly supervised four Chief Petty Officers and 155 Active, Reserve, and Auxiliary Security Force personnel. COLL: Command CMEC Manager-3, Command Assessment and Training Team-12. WATCH: CDO-12, Chief Investigator-12.							
For Mid-term Counseling Use. (When completing FITREP enter 30 and 31 from counseling worksheet sign 32.)		30. Date Counseled 02MAR15		31. Grade (b)(6)		32. Title (b)(6)	
PERFORMANCE TRAITS: 1.0 - Below standards/not progressing or UNSAT in any one standard; 2.0 - Does not meet standards; 3.0 - Meets standards; 4.0 - Exceeds most 3.0 standards; 5.0 - Meets overall criteria and most of the specific standards for 5.0. Standards are not all inclusive.							
PERFORMANCE TRAITS	1.0* Below Standards	2.0 Pro- gressing	3.0 Meets Standards	4.0 Above Standards	5.0 Greatly Exceeds Standards		
33. PROFESSIONAL EXPERTISE: Professional knowledge, proficiency, and qualifications.	- Lacks basic professional knowledge to perform effectively. - Cannot apply basic skills. - Fails to develop professionally or achieve timely qualifications.	-	- Has thorough professional knowledge. - Competently performs both routine and new tasks. - Steadily improves skills, achieves timely qualifications.	-	- Recognized expert, sought after to solve difficult problems. - Exceptionally skilled, develops and executes innovative ideas. - Achieves early/highly advanced qualifications.		
(b)(6)							
34. COMMAND OR ORGANIZATIONAL CLIMATE/EQUAL OPPORTUNITY: Contributing to growth and development, human worth, community. NOB	- Actions counter to Navy's retention/realism goals. - Uninvolved with mentoring or professional development of subordinates. - Actions counter to good order and discipline and negatively affect Command/Organizational climate. - Demonstrates exclusionary behavior. Fails to	-	- Positive leadership supports Navy's increased retention goals. Active in decreasing attrition. - Actions adequately encourage/support subordinates' personal/professional growth. - Demonstrates appreciation for contributions of Navy personnel. Positive influence on Command climate. - Values differences as strengths. Encourages	-	- Measurably contributes to Navy's increased retention and reduced attrition objectives. - Proactive leader/exemplary mentor. Involved in subordinates' personal development leading to professional growth/sustained commitment. - Initiates support programs for military, civilian, and families to achieve exceptional Command and Organizational climate. - The model for leadership. Develops		
(b)(6)							
35. MILITARY BEARING/ CHARACTER: Appearance, conduct, physical fitness, adherence to Navy Core Values. NOB	- Consistently unsatisfactory appearance. - Unsatisfactory demeanor or conduct. - Unable to meet one or more physical readiness standards. - Fails to live up to one or more Navy Core Values: HONOR, COURAGE, COMMITMENT.	-	- Excellent personal appearance. - Excellent demeanor or conduct. - Complies with physical readiness program. - Always lives up to Navy Core Values: HONOR, COURAGE, COMMITMENT.	-	- Exemplary personal appearance. - Exemplary representative of Navy. - A leader in physical readiness. - Exemplifies Navy Core Values: HONOR, COURAGE, COMMITMENT.		
(b)(6)							
36. TEAMWORK: Contributions towards team building and team results. NOB	- Creates conflict, unwilling to work with others, puts self above team. - Fails to understand team goals or teamwork techniques. - Does not take direction well.	-	- Reinforces others' efforts, meets personal commitments to team. - Understands team goals, employs good teamwork techniques. - Accepts and offers team direction.	-	- Team builder, inspires cooperation and progress. - Talented mentor, focuses goals and techniques for team. - The best at accepting and offering team direction.		
(b)(6)							
37. MISSION ACCOMPLISHMENT AND INITIATIVE: Taking initiative, planning/prioritizing, achieving mission. NOB	- Lacks initiative. - Unable to plan or prioritize. - Does not maintain readiness. - Fails to get the job done.	-	- Takes initiative to meet goals. - Plans/prioritizes effectively. - Maintains high state of readiness. - Always gets the job done.	-	- Develops innovative ways to accomplish mission. - Plans/prioritizes with exceptional skill and foresight. - Maintains superior readiness, even with limited resources. - Gets jobs done earlier and far better than expected.		
(b)(6)							

FITNESS REPORT & COUNSELING RECORD (E-100)

RCS BUPERS 1010-1

1. Name (Last, First MI Suffix) (b)(6)				2. Grade/Rate (b)(6)		3. Desig SW/AW		4. SSN (b)(6)	
5. ACT <input checked="" type="checkbox"/>		TAR <input type="checkbox"/>		INACT <input type="checkbox"/>		AT/ADSW/ 265 <input type="checkbox"/>		6. UIC 46255	
7. Ship/Station NAS FALLON NV						8. Promotion Status REGULAR		9. Date Reported 01MAR16	
Occasion for Report 10. Periodic <input type="checkbox"/>				Detachment 11. of Individual <input type="checkbox"/>		Detachment of 12. Reporting Senior <input type="checkbox"/>		13. Special <input checked="" type="checkbox"/>	
Period of Report 14. From: 02SEP16				15. To: 02NOV15					
16. Not Observed Report <input type="checkbox"/>		Type of Report 17. Regular <input checked="" type="checkbox"/>		18. Concurrent <input type="checkbox"/>		19. Ops Cdr <input type="checkbox"/>		20. Physical Readiness M/WS	
21. Billet Subcategory (if any) NA									
22. Reporting Senior (Last, FI MI) (b)(6)				23. Grade (b)(6)		24. Desig (b)(6)		25. Title (b)(6)	
26. UIC 60495				27. SSN (b)(6)					
28. Command employment and command achievements. Anti-terrorism and force protection in support of Integrated Tactical Air Warfare Training.									
29. Primary/Collateral/Watchstanding duties. (Enter primary duty abbreviation in box.) OPS LCPO PRI: Operations Leading Chief Petty Officer-2. Directly supervises 2 Chief Petty Officers and 155 Active, Reserve and Auxiliary Security Force personnel. COLL: Command CME0 manager-2, Command Assessment and Training Team-2. WATCH: Command Duty Officer-2, Chief Investigator-2.									
For Mid-term Counseling Use. (When completing FITREP, enter 30 and 31 from counseling worksheet, sign 32.)				30. Date Counseled NOT REQ		31. Counselor		32. Signature of Individual Counseled	
PERFORMANCE TRAITS: 1.0 - Below standards/not progressing or UNSAT in any one standard; 2.0 - Does not yet meet all 3.0 standards; 3.0 - Meets all 3.0 standards; 4.0 - Exceeds most 3.0 standards; 5.0 - Meets overall criteria and most of the specific standards for 5.0. Standards are not all inclusive.									
PERFORMANCE TRAITS	1.0* Below Standards	2.0 Pro- gressing	3.0 Meets Standards	4.0 Above Standards	5.0 Greatly Exceeds Standards				
33. PROFESSIONAL EXPERTISE: Professional knowledge, proficiency, and qualifications.	- Lacks basic professional knowledge to perform effectively. - Cannot apply basic skills. - Fails to develop professionally or achieve timely qualifications.	-	- Has thorough professional knowledge. - Competently performs both routine and new tasks. - Steadily improves skills, achieves timely qualifications.	-	- Recognized expert, sought after to solve difficult problems. - Exceptionally skilled, develops and executes innovative ideas. - Achieves early/highly advanced qualifications.				
(b)(6)									
34. COMMAND OR ORGANIZATIONAL CLIMATE/EQUAL OPPORTUNITY: Contributing to growth and development, human worth, community.	- Actions counter to Navy's retention/reenlistment goals. - Uninvolved with mentoring or professional development of subordinates. - Actions counter to good order and discipline and negatively affect Command/Organizational climate.	-	- Positive leadership supports Navy's increased retention goals. Active in decreasing attrition. - Actions adequately encourage/support subordinates' personal/professional growth. - Demonstrates appreciation for contributions of Navy personnel. Positive influence on Command climate.	-	- Measurably contributes to Navy's increased retention and reduced attrition objectives. - Proactive leader/exemplary mentor. Involved in subordinates' personal development leading to professional growth/sustained commitment. - Initiates support programs for military, civilian, and families to achieve exceptional Command and Organizational climate.				
NOB (b)(6)									
35. MILITARY BEARING/CHARACTER: Appearance, conduct, physical fitness, adherence to Navy Core Values.	- Consistently unsatisfactory appearance. - Unsatisfactory demeanor or conduct. - Unable to meet one or more physical readiness standards. - Fails to live up to one or more Navy Core Values: HONOR, COURAGE, COMMITMENT.	-	- Excellent personal appearance. - Excellent demeanor or conduct. - Complies with physical readiness program. - Always lives up to Navy Core Values: HONOR, COURAGE, COMMITMENT.	-	- Exemplary personal appearance. - Exemplary representative of Navy. - A leader in physical readiness. - Exemplifies Navy Core Values: HONOR, COURAGE, COMMITMENT.				
NOB (b)(6)									
36. TEAMWORK: Contributions towards team building and team results.	- Creates conflict, unwilling to work with others, puts self above team. - Fails to understand team goals or teamwork techniques. - Does not take direction well.	-	- Reinforces others' efforts, meets personal commitments to team. - Understands team goals, employs good teamwork techniques. - Accepts and offers team direction.	-	- Team builder, inspires cooperation and progress. - Talented mentor, focuses goals and techniques for team. - The best at accepting and offering team direction.				
(b)(6)									
37. MISSION ACCOMPLISHMENT AND INITIATIVE: Taking initiative, planning/prioritizing, achieving mission	- Lacks initiative. - Unable to plan or prioritize. - Does not maintain readiness. - Fails to get the job done.	-	- Takes initiative to meet goals. - Plans/prioritizes effectively. - Maintains high state of readiness. - Always gets the job done.	-	- Develops innovative ways to accomplish mission. - Plans/prioritizes with exceptional skill and foresight. - Maintains superior readiness, even with limited resources. - Gets jobs done earlier and far better than expected.				
NOB (b)(6)									



DEPARTMENT OF THE NAVY

NAVAL AIR STATION FALLON
4755 PASTURE ROAD
FALLON, NEVADA 89496-5000

1610
Ser N00F/537
10 DEC 02

From: (b)(6), Naval Air Station, Fallon
To: (b)(6) USN, (b)(6)

Subj: ADVERSE PERFORMANCE FITNESS REPORT

Ref: (a) BUPERSINST 1610.10
(b) Article 1108, U.S. Navy Regulations, 1990
(c) OPNAVISNT 6110.1F

Encl: (1) Subject report

1. Enclosure (1) is your performance evaluation report for the period 02SEP16 to 02NOV15. This report contains adverse matter as follows: blocks 34, 35, 41, and 42.

2. Reference (a) requires that you sign this report and indicate whether you intend to submit a statement at this time. Your signature does not mean you agree with the report, only that you have had an opportunity to see the report and submit a statement if desired.

3. If you wish to submit a statement before the report is filed, you must do so within 10 working days after you receive the report. You may request assistance in preparing your statement. Your statement may not exceed two pages and may not have enclosures. Per reference (b), your statement must be phrased in temperate language and confined to pertinent facts. You may not make accusations or counter-charges, or impugn the motives of any other person. The statement may not include requests. Address the statement as follows:

Chief of Naval Personnel
Pers-322
5720 Integrity Drive
Millington TN 38055-0000

4. If you do not submit a statement at this time, you may still submit a statement, via the reporting senior who signed the original report, within two years of the ending date of the report. Additional information will be found in reference (a).

(b)(6)

13 January 2003

From: (b)(6)
To: (b)(6) USS Russell (DDG-59)
NAS Fallon

Subj: STATEMENT

On 6 January 2003, (b)(6) requesting a statement regarding the scrapping of a civilian vehicle sticker around the month of September 2001. There have been a couple times in the past that I have stopped by the CPO club because I saw (b)(6) vehicle parked there and I wanted to talk to him. I do not remember (b)(6) ever telling/ordering me, or anyone else in my duty section to scrap the sticker from anyone's vehicle.

Respectfully,

(b)(6)



DEPARTMENT OF THE NAVY

NAVAL AIR STATION FALLON
4755 PASTURE ROAD
FALLON, NEVADA 89496-5000

5800
Ser N05F/013
21 Jan 03

FIRST ENDORSEMENT on (b)(6), USN, ltr of
16 Jan 03

From: (b)(6) Naval Air Station Fallon UIC: 60495
To: (b)(6), Navy Region Southwest (Code N05R)

Subj: REBUTTAL OF ADVERSE MATTERS RELATING TO ARTICLE 138 UCMJ
SUBMITTED ON 13 DECEMBER 2002

Ref: (a) JAGMAN, Chapter III

1. Per reference (a), forwarded for your review.

(b)(6)

21 January 2003

From: (b)(6) (b)(6)
To: Chief of Naval Personnel, (PERS-322)
Via: (b)(6) Naval Air Station, Fallon

Subj: ADVERSE FITNESS REPORT

Ref: (a) BUPERSINST 1610.10 dtd 95AUG02

1. I submit this statement in regard to an adverse special fitness report for the period 02SEP16 to 02NOV15. I am specifically addressing information in blocks 34, 35, 41, and 42.

2. Blocks 34 and 35 were marked 2.0 and 1.0 respectively, for reasons stated in block 41. I disagree with those marks, which were marked 3.0 or 4.0 on my previous two fitness reports from the same reporting senior, the last one ending 02SEP15. Both highly recommended me for Senior Chief. It is stated in the special fitness report that I was relieved as (b)(6) "as a result of alcohol related incidents and abusive behavior toward junior individuals under his supervision." This seems to the reader to indicate that I had more than one incident during this marking period. This is not factual. There was one alleged incident, with no formal counseling given nor any formal charges filed. This is the incident that this entire fitness report is based upon. If there were more incidents during this marking period, I have no knowledge of them. There appears a veiled reference to previous incidents, possibly during other marking periods. If so, where are those comments on my previous two evaluations, and why the glowing comments? Where even is the formal counseling documented? No where that I know of. The "abusive behavior" is based upon the afore mentioned alleged incident and a comment on one out of 150 command climate surveys taken during October 2002.

3. It is stated that I am, "Actively seeking alcohol abuse treatment." This is also not factual. I am not seeking treatment nor has any been command directed. I did speak to the command DAPA as it was posed to me that if I went to an alcohol course I would get my job back as (b)(6)

Subj: ADVERSE FITNESS REPORT

(b)(6) When I found out that was not the case, I stopped seeking that course as I was only doing so to get my position back.

4. Block 42 is marked, "Significant Problems" to simply remove my recommendation for advancement, yet also implies I am not retention worthy. Based on my above statement to the record, I see nothing in block 41 to justify that advancement recommendation, other than unfounded allegations. Per reference (a), page N-5, it is stated, "Do not use fitness report comments as a substitute for appropriate corrective action or UCMJ proceedings." Since this fitness report is punitive and will permanently injure my career, I request its removal from my permanent service record.

4. As a side note, this fitness report was initially given to me on the afternoon of the day that I filed an Article 138 against my (b)(6) for removing me as (b)(6) (b)(6) base upon the alleged incident. If more information is required I may be reached at DSN (b)(6) or commercial (b)(6)

Respectfully,

(b)(6)

(b)(6)